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FRAGMENTS

AND

SPECIMENS OF EARLY LATIN

WORDSWORTH

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FRAGMENTS

AND

SPECIMENS OF EARLY LATIN

WITH INTRODUCTIONS AND NOTES

BY

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Oxford

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M DCCC LXXIV

PREFACE.

THE aim of this book is very simple—to render the study of Early Latin more methodical and comprehensive, and to put the younger generation of scholars in possession of materials for the purpose which they will not elsewhere find in combination. By Early Latin I understand Latin of the whole period of the Republic, which is separated very strikingly, both in tone and outward form, from that of the Empire. I have of course excluded almost entirely those writers who are so well known and ordinarily read as Plautus and Terence, Lucretius and Catullus, Sallust and Cicero—those writers in fact whose works are extant in a more or less complete form. In other respects, however, I have attempted to give as fair a representation both of the documentary and literary remains of the period as could be compressed into the compass of a single volume.

No apology seems necessary for such a design, especially in an age so eager as our own in the investigation of all that is primitive or original in language and literature, as well as in religion, law, and custom. The want of such a book has long been felt and may be taken for granted. I regret that it has not been undertaken by an abler hand, and that my own attempt has been carried on under many necessary distractions, and with an incomplete knowledge of many parts of the various subjects comprehended in it. My excuse must be that after seven years, in which the design has been maturing to the best of my power, I have not heard of any other scholar who is engaged on such a work, nor have I found any existing book which I could recommend to my own pupils for the purpose. I am only acquainted

with two which have something of a similar aim, Egger's Latini Sermonis vetustioris Reliquiae and Donaldson's Varronianus. I did not know of Egger till I had advanced some way in the composition of my own book, and therefore looked at it with interest. It has few notes, and cannot be considered satisfactory as to text, especially in the matter of inscriptions, the study of which has progressed so marvellously since the date of its publication—more than thirty years ago (1843). I found however that his idea of what was wanted coincided in great measure with my own, and I have derived some help from it in the chapter of Formulae and elsewhere. With Varronianus the points of contact are really few, as Dr. Donaldson confined himself almost entirely to the earliest period of the language, and to the cognate dialects, which I have touched chiefly as sources of illustration. I have of course consulted it in certain cases, e.g. in reference to the fragments of early laws and national poetry, but very little elsewhere.

This being the case, I had no hesitation in making collections for such a book side by side with a study of the literary history of the period. I soon became aware that it would be an immense advantage to English philology if a systematic, well-grounded knowledge of Latin inscriptions could be introduced into our Universities, and to some extent into our schools. The great results obtained by Ritschl and Mommsen and their coadjutors and pupils, who have gone back to the original texts on brass or stone and applied them to elucidate history and language, are in their way as inspiring as the study of Greek was at the Renaissance, or that of Sanskrit at the beginning of this century. Yet these results are comparatively unknown in this country, except through the medium of Plautus and the popular History of Rome. I cannot however think that our scholars, distinguished as they undoubtedly are for good sense in exegesis and a natural aptitude for history and archaeology, will allow themselves to be left far behind when once they have realised

the truth. If this book has any merit, it will be chiefly in laying the foundation for such a comparative method of study, and by familiarising those who read it with some of the more important results already attained. Those who feel desirous of carrying it further, and are unable to procure the somewhat bulky volumes of the Corpus Inscriptionum, will do well to furnish themselves with Bruns' Fontes Iuris Romani Antiqui (ed. 2, Tübingen, 1871) and G. Wilmann's Exempla Inscriptionum Latinarum (2 vols. Berlin, 1873), in which the most important documents and inscriptions are collected.

A few words may be desirable as to the first part of this book—the Grammatical Introduction. It was not till I had advanced some way in the notes on the Fragments and Specimens that I felt the awkwardness of continual cross-references on points of grammar, and was almost forced to throw this part of the subject into the shape which it now bears, though it was not part of my original design. This may be mentioned as some explanation of the want of finish and perfect accuracy in it—of which I cannot but be conscious—and of the defect in full consultation of modern writers on the subject. It may however be useful as a register of facts, not easily found elsewhere in the same grouping, especially I hope to our own students preparing for 'Moderations,' for whom it was particularly designed. My acknowledgments may here be made to Schleicher, Corssen, and Ritschl, to Ferrar, Munro, and Roby, to whom I owe most of the information contained in it that is not drawn from the texts in the second and third parts of the book. To Corssen, it will be seen, I owe a great deal.

This naturally leads to other personal explanations and acknowledgments. As my aim has been throughout to help the student, I have not been over-careful in giving detailed references to those modern writers by whose means I became acquainted with parallel passages or illustrations from ancient authors. Experience has shown me that there is a sort of

floating capital of quotations that is at public disposal, and that it is only vanity and vexation of spirit to try and discover who first compared this and that passage together. Just as many modern theological works owe their learning of this kind more or less directly to such books as Bishop Pearson's Vindiciae Ignatianae—to name one that occurs to me at the moment—so the volumes edited by Graevius and Gronovius contain similar treasures of quotations which are held (rightly or wrongly) to be common property. I have however attempted to do substantial justice, and to mention wherever I thought a comparison of this sort was really new or combined with an original remark. The frequent references to the great German Latinists and to writers of our own, such as Sir H. Maine and Mr. Poste, and those above mentioned, will be sufficient evidence of my debt to them. To Professor Mommsen my acknowledgments are due in an especial degree, and I regret very much that I was not throughout familiar with his views of the Roman constitution in respect to the Senate and the Comitia. No living Latin scholar seems to combine such brilliant gifts of exposition with such minute and extensive knowledge, coupled with fairness in argument and readiness to learn. Where I have differed from him advisedly I do it with diffidence, but with an assurance that he would be willing to recognise any measure of truth that might be found in my criticism.

Such being the position I have taken, I hope that no reader of this book will give me credit for originality till he has consulted the writers mentioned in these pages, to which I may add Becker and Marquardt's valuable Handbook of Antiquities, now being re-edited by Mommsen and Marquardt, Preller's Roman Mythology, and Lange's Roman Antiquities. The latter is useful as a constitutional history, but its results require to be tested by comparison with the other Handbook just mentioned, where the references are generally quoted in extenso.

It may however save time to some readers if I mention a few

points where I have taken a view somewhat different from those generally held. Such are, in the Introduction, the division of the declensions into three pairs and the paradigms of the pronouns with gender—the idea of the last being taken from Corssen. Something too has been added to make the treatment of the perfect more methodical. In the notes I should be glad of criticism on the theory of the sacramentary action, pp. 515–517, on *partis secundo*, p. 519, and *sacer*, p. 532, as well as on the soldier's oath or oaths, pp. 555–558.

I have not attempted to determine many of the vexed questions of orthography, but have generally followed the best printed texts I could obtain, without attempting a forced uniformity. I might perhaps have gone farther than I have done. I have not even wholly proscribed *quum*. *Cum* seems only a subterfuge for *quom*, and *quom* leads on to *servos*, which opens a large vista of change. We have more to learn before we set up a rigid standard on a matter in which inscriptions themselves show that considerable laxity prevailed. Of course there are obvious limits to such laxity, within which I have tried to confine myself.

One other topic remains. The composition of this book has been constantly saddened by the remembrance of a great loss. It was begun with the understanding that it was to be superintended by Professor Conington. His untimely death deprived many of us of a dear friend, and left the University to mourn one of the best scholars of the present century, who had only done a small part of the work that lay close about him. This book has suffered grievously from the lack of his patient and sympathetic criticism and vigorous common sense, no less than from the absence of those observations drawn from the stores of his wonderful memory with which he would have adorned it. It cannot, alas! lay claim to have one sheet revised by his hand.

I have however much to be thankful for, especially to Professor Edwin Palmer, whose abundant and unselfish kindness is known to all his friends, but must be particularly mentioned

here. Besides going through a great portion of the book in MS., he has given me incalculable help in its passage through the press. His revision of all but the earliest sheets of the Introduction not only removed a large multitude of blunders, but enriched it with a number of exact quotations, especially from the dramatists. He has also corrected the proofs of the first part of the text and of all the notes, in the midst of many other engagements and work of his own, with an interest for which I cannot be sufficiently grateful. At the same time it would be unfair to him that he should be held responsible for any views advanced here, except where his name is specially mentioned.

To Professor Aufrecht I owe many thanks for a very kind proposal that he should write a summary of the history and grammar of the Italian dialects, to be added to this book. After much consideration on the part of the Delegates of the Press this had unfortunately to be declined, on account of the size to which my work had grown. All scholars will however rejoice to learn that they may shortly expect a separate and complete work on the subject from a philologist who is so eminently qualified to perform this difficult task. Dr. Aufrecht was also kind enough to send me some hints and criticisms on various points treated in the Introduction, some of which I was able to use, others I regret it was out of my power to insert, owing to the printing having advanced too far.

To Mr. J. L. Strachan-Davidson of Balliol I am also deeply indebted for his correction of the proofs of the notes, and especially for his many suggestions on legal and historical points. This is particularly the case in reference to the Lex Agraria, but in many other places I have to thank him for light on details of history which few other persons with whom I am acquainted would be competent to give.

To Professor Robinson Ellis I have reason to be grateful for revising the text of great part of the poetical fragments, especially

of Lucilius, and for communicating to me, in the most friendly way, valuable notes of his own on that writer, of which I have made free use. Some of his emendations will be noticed by the reader as important.

To Mr. Merry of Lincoln College my thanks are due for help in the fragments of Livius Andronicus, as will be seen in the notes; to Mr. H. Nettleship for an excellent emendation of C. Gracchus (p. 354) and a note on the use of *pasco* (p. 439); to Mr. Copleston of St. John's College for a careful revision of the proofs of notes on the Inscriptiones Antiquissimae; to Dr. Neubauer of the Bodleian Library for ever-ready help in the consultation of books and MSS., and for a suggestion on p. 499 and other assistance; and to Mr. Evelyn Abbott of Balliol for several hints embodied in the notes.

It only remains for me to thank the Delegates of the Press for their readiness to accept and publish this book, and for the kindness with which they have acceded to my suggestions respecting it. I am also grateful to the officials of the Press itself for much attention, and for their general care in printing what has been in some respects a difficult book.

OXFORD, Oct. 10, 1874.

ADDENDA ET CORRIGENDA.

Page 2, line 24, *for* ii *read* ü.

P. 3, l. 15, *for Attieriu read Atiieriu.*

P. 9, l. 17–20, *dele from* It is—Volscian. See p. 241.

P. 25, l. 4, *add* Further, one Romance dialect, the Sardinian of Logodoro, preserves the hard guttural, as in *kera*, *dulke*, *piskina* = ceram, dulcem, piscinam. (Mr. H. Nicol, in Academy, vol. vi. p. 157, where see more on the subject in general.)

P. 28, l. 15, *for Socium read socium.*

P. 49, second paragraph, *add* other instances of the same kind may be found in C. I. L. v. 2386, 3551, and the Canon Muratorianus.

P. 64, l. 20, *for* L. L. vii. 33 *read* L. L. vii. 32.

P. 68, § 9, *add lumine*, Cato, Orig. iv. 1.

P. 78, l. 7, *for* Farrar *read* Ferrar.

P. 79, § 11, *add* '*purime tetinero*, purissime tenuero,' Fest. Ep. p. 252.

P. 88, l. 31, *add* for *me* = mihi, see note on p. 652.

P. 89, l. 6, *for* or *read* originally, *and so elsewhere.*

P. 100, § 25, *add hoc* is sometimes shortened in comic poetry.

Ibid., bottom, *read* Epitaph of Protogenes.

P. 102, § 27, *add* 'Si *em* percussi,' Cato, infra p. 342.

Ibid. § 28, *add* and *illuc* = illud-ce, illoc, Inscr. Pomp. 2013, infra p. 248.

P. 107, § 37, *add* and probably Ennius, Athamas, 148 v., see note, p. 591.

P. 108, l. 23, *for* preposition *read* pronoun.

P. 111, § 45, *for* AN-A *read* A-NA.

P. 138, l. 9, *for* ludi *read* ludo.

P. 146, l. 4 from bottom, *for* noenum *read* non enim, see note, p. 589.

P. 167, C. 177, *for* M. CVRIA *read* Ѧ. CVRIA.

P. 169, l. 1, *for* C. 185 *read* C. 186.

P. 205, l. 14, *for* reperto *read* reperta.

P. 215, l. 83, *for* coloneis *read* colonieis.

P. 224, C. 603, *read* Aienus . . Baebatius.

P. 227, l. 7, *for* S. C. *read* SC.

P. 233, l. 12, *for* quod *read* quom.

P. 238, bottom, *for* MARTEM *read* MATREM.

P. 239. C. 1290, *read dec*VMA.

P. 242, Tituli cum Sicilico, cp. Introd. ii. § 9.

Ibid. C. II. 172. Cp. the oath said to have been taken by the Italians to M. Drusus, Diodor. Fr. Vat. p. 118, Mommsen, R. H. iii. p. 232.

P. 244, P. 1173, *read* nosci(t), and correct note, p. 495.

P. 248, P. 1836, *read* CVM HEDYSTO, i. e. cum Hedysto.

P. 249, P. 3072, *for* Aenedum *read* Aeneadum.

P. 258, l. 2, *read quae enim.*

P. 261, l. 9, *for* provide *read* proinde.

P. 263, l. 11, *for* claro *read* clavo.

P. 290, l. 19, *dele period after* videbis.

P. 291, 33, *read* véris *vél* súeris.

P. 292, 6, read Eí venít in méntem.

P. 302, 198, *read* Qui antehac.

P. 363, l. 10, *for* partibis *read* partibus.

P. 369, l. 12 from bottom, *read consuetudine.*

P. 373, l. 4, *for* 23 *read* 25.

P. 381, l. 7 from bottom, *insert* 5. *before* Lucius.

P. 430, *insert proper page numeral.*

Ibid., bottom. The identification of *patrum auctoritas* with *lex curiata de imperio* has been disproved by Mommsen, Forschungen, pp. 247–249. The *patrum auctoritas* is the authorisation of the Senate, which was required for every law, and therefore for a *lex curiata,* as well as any other. See note on *Patres censeant exquiras,* p. 650.

P. 495, note to P. 1173, *see correction* of p. 244, *and dele* except—vowel.

P. 512, l. 29, *dele from Usurpare down to* break *usus.* See p. 524, l. 10, from bottom.

P. 540, l. 23, *for* Corella *read* Covella.

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APPENDIX.

PART III.—SELECTIONS FROM AUTHORS.

PART I.

GRAMMATICAL INTRODUCTION.

CHAPTER I.

General Relations. Latin and the Italian Dialects.

1.] Latin is in its original form the language of the inhabitants of Latium, the broad plain encircled with mountains lying chiefly to the south of the lower course of the Tiber. This plain is by no means level, but is studded everywhere with small hills with sharply cut sides, the natural *arces* of the ancient towns of the Latin league. It is bounded to the east by the high range of the Sabine Apennines, and on the west by the sea; on the north and south are lower hills, the remarkable volcanic group round Alba being the most prominent feature in the latter direction. Monte Gennaro, or Lucretilis, rising more than four thousand feet, is most conspicuous on the east, as Soracte is on the north. The city of Rome itself lies on the northern boundary of this district, and, in relation to the Latin community generally, acted as the chief bulwark against the Etruscan power. The Hernici to the south-east, in the valley of the Trerus, were useful as the faithful allies of Rome, in separating the two tribes which in early times were her bitterest enemies—the Volsci of the coast and the Aequi of the hills beyond Tibur and Praeneste. Latium and Rome were thus to a great degree isolated except to the seaward. The Latin towns, though sometimes in rivalry with their great sister, always recognised their common kinship, and seem always to have spoken a common language.

2.] This language in process of time, owing to the greatness of Rome and the energy of her subject neighbours and allies, became the universal speech of Italy and almost of the world; but at one time it was only a dialect among other Italian

dialects. Of these we know something of two principal types, the Umbrian and the Oscan, not from the existence of any great variety of monuments, but from the continued labour of eminent scholars upon those we possess. These roughly represent the Italian languages to the north and south of Latium, the Umbrians having at one time possessed Etruria, and stretching in historical times from the Apennines to the Adriatic, while the Oscans were the people of Campania and the south. The Volscian and Sabellian idioms, of which much less is known, were probably varieties of Oscan. The nearest dialect to Latin seems to have been that of Falerii, the people of which possessed an alphabet more like the Roman than that of the other Italians. Etruscan, if, as is probable, it belonged to the same family, was no doubt a very remote congener, while Messapian, or Iapygian, seems more like a very rude dialect of Greek.

3.] The characteristics common to these Italian languages, by which they are distinguished from Greek, are shortly as follows:—

The Italians retained the spirants S, J (Y), V (W ?). In Latin, for instance, we have *sub* beside ὑπό, *vespera* beside ἕσπερος, *janitrices* beside εἰνατέρες, etc. The Italian *u* is also nearer the original than the Greek. The Greeks weakened this vowel to *ü*, and generally represented Latin *u* by ου. On the other hand, the Italians lost the aspirated letters *th*, *ph*, *ch*, and had a tendency to drop the *h* in pronunciation and writing. In *Inflexion* they retained the ablative case in *-d*, and preserved the dative plural (in *-bus*), at least in Latin. On the other hand, they lost the dual number both in nouns and verbs, and all but lost the middle verb. They possess, in its place, a new form in *-r*, passive usually in sense, which, with the dative plural, is a remarkable link of connexion between them and the Celtic languages. For instance, *riga-ib* in Erse, from *ri*, a king, compared with *regibus*, and *berthar*, *scribthar*, = Lat. fertur, scribitur (Schleicher, § 287).

4.] The distinctions between Latin and the other Italian dialects may here be shortly referred to. The alphabets of these dialects were derived from the Etruscans, who, as we know, drove out or conquered the Umbrians, and had an important settlement also on the coast of Campania. They had neither the vowel O nor the consonants Q and X, all of which the Etruscans

also wanted, and they had the soft San (?) or Zain (I or ǂ) instead of the Zeta or Tsaddi (Z), which appears to have been part of the original Latin alphabet. They borrowed the peculiar sign for F (8) which the Etruscans had invented, using the digamma for V or W (ꟻ, Ↄ). The old Umbrian had only the vowels A, Ǝ, I, V, and made no distinction between the guttural and dental tenues and mediae, K and G, T and D, having only K and T. But they distinguished the palatal sound of the guttural tenuis before the vowels E and I from the original hard sound, substituting d, Ç for ꓘ, K. Thus we have ᗡVꓘAꓧƧᗡƎd, *çersnatur* = cenati, VꟽId, *çimu* = retro (?). So *çesna* = cena, *deçem-duf* = decem-duo, *façia* = faciat. The place of *d* between vowels, or at the end of a word after a vowel, was supplied by ꟼ *r*, in later Umbrian *rs*, as *ar-veitu* = ad-vehito (compare *arfuerunt* = adfuerunt, *arvorsus* = advorsus, in Latin), *Attieṛiu* (VIꟼƎIIꓘA) = Attidii, *asam-aṛ* = aram ad *or* ad aram, and in later Umbrian, *du-pursus* = bi-pedibus. *Ṛeṛe* = dedet, dedit, and *ṛunum* = donum, are instances in which *ṛ* has also taken the place of initial *d* (Schleicher, § 161).

The Oscan, on the other hand, though it had no proper O, was by no means careless of expressing vowel sounds. It had, beside the vowels ꓤ, Ǝ, I, V, two others, ⊦ í, a sound probably between *i* and *e*, perhaps like the French *é* in *épine*, etc., and V́ ú, which was not far removed from Latin O. The Oscans also distinguished from the first G and K (> and ꓘ), D and T (ꓤ and T): they likewise used doubled consonants, which the Umbrians did not.

5.] We may notice one or two further distinctions. In the genitive case, as we shall see, the Latins adopted the locative form in *i* in three of their declensions, while the dialects retained the proper genitive terminating in *s* or *r*, and the locative in its proper sense. So we have Umbrian *tūtā-s* or *tōta-r*, from *tuta*, a city, and Oscan *eituā-s*, from *eitua* = pecunia; while similar Latin forms, except *familias*, are only archaic. In the same way they retained the future form from the root *es* or *as*, while the Latins have a peculiar form in *-bo*, or substitute the optative in its place. Thus the Oscans have *didest* = dabit, *herest* = volet, *censazet* = censebunt. The Umbrians have *heriest* = volet, *habiest* = habebit (Schl. §§ 302, 303). The infinitive form in *-um*

is also peculiar to these dialects, e. g. Oscan *ezum* = esse, *censaum* = censere, *moltaum* = multare, *deicum* = dicere ; Umbrian *aferum* = circumferre, *devaum* = deos testari, *aserio(m)* (New Umbrian) = observare. *Venum eo, venum do*, seem however to contain such an infinitive. It appears to be an accusative case of a stem originally ending in *a* (Schl. § 216, p. 381). The Latin infinitive, on the other hand, appears to be originally the dative case of a stem ending in *-as*, and to have been therefore corrupted from an original *as-ai*, becoming first *-ese* and then *-ere* (Schl. § 230, p. 472).

CHAPTER II.

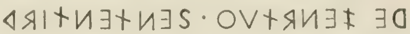
THE LATIN ALPHABET. FORMS OF THE LETTERS.

1.] THE Latin Alphabet is allowed almost universally to have been received from the Chalcidian colony of Cumae. The straight form of the I, and the position of the angle of < and ⊾ (not ᛚ and Λ) show that the characters were derived from a *Greek*, not a Phoenician source. Next the use of Q and of the single character for S (ϟ, not M) prove that it was from a *Dorian*, not an Ionian tribe. Finally, other minutiae in the shapes of the letters, as well as traditions of early intercourse, coincide to point out the particular Dorian colony to which the Latins were indebted. The alphabet so obtained consisted at first of the twenty-one letters A, B, C, D, E, F, Z, H, I, K, L, M, N, O, P, Q, R, S, T, V, X—that is, the Cumaean alphabet without the aspirates Th, Ph, Ch (⊙, Φ, ↓), which were dropped as letters, though the characters were retained as numeral signs.

2.] The archaic *forms* of these letters, and some peculiarities of writing, may claim our first notice. The vowels did not vary very greatly in shape, though the first has a considerable variety, A, A, Λ, Λ, as well as A. A is a Graecism. E is often written with its lower bar inclining upwards towards the central one (E), and it has another form ||. I (though in older alphabets Ƶ, then Z and Ƨ) was never curled in Latin, but was for purposes of pronunciation sometimes lengthened. O has often, in archaic times, a gap in its circle above or below (∪ or ∩). V is permanent, having, like the Chalcidian letter, and unlike the Attic, no stem to it.

3.] Among the consonants B always had two loops, but sometimes had those loops pointed (B). C in like manner was either

pointed or rounded, and the pointed form (<) may perhaps have facilitated its substitution for K[1]. D and F are not remarkable, though the latter seems rarely to have only one bar. Z was a letter that went early out of use at Rome, though it appears in the slight fragments of the Carmen Saliare, and on a coin of Cosa with the legend COZANO(m). It (or rather ⌶) was used however in the neighbouring town of Falerii, and we have an inscription in Faliscan characters, lately discovered, recording the fulfilment of a vow *de Zenatuo Sententiad*,



and to this day it seems to be a provincialism in the Sabine country to say *zignore*, *zegno*, *zole*, much as people do in our own Somersetshire (Garrucci, translated in Archaeologia, vol. xliii, for 1870). The great censor Appius Claudius is said to have had a particular dislike to this letter, and probably his dislike was shared by other Romans, for we find no traces of it, other than these I have mentioned, till the time of Cicero, when it was reintroduced to represent Greek words more exactly. Before that time the Romans were satisfied with such transcriptions as *Saguntum* for *Zakynthus*, Ζάκυνθος; and with *sona*, *massa*, *badisso*, *atticisso*.

4.] The rejection of this letter was followed by another reform—the introduction of a new letter G, formed simply by bending the lower horn of C. Plutarch (Quaest. Rom. 59) ascribes its introduction to Sp. Carvilius, freedman of Sp. Carvilius Ruga, cos. v. c. 523 (notorious as the first Roman who divorced his wife). Carvilius opened the first school of grammar and writing in Rome, and may certainly have been the first to teach the use of this letter and to give it the seventh place in the alphabet; but he can hardly have *invented* it, as we find it on the epitaph of Scipio Barbatus (cos. v. c. 456), and on two paterae found at Tarquinii with the name GABINIO of about the same date (Corssen, i. p. 10; cp. Mommsen, Unt. Dial. p. 28

[1] The sign 7 is often used in inscriptions for *centurio*, etc. Similarly Ɔ. L = *mulieris libertus*, ⅃. Ɔ = *mulieris liberta*. Ɔ stood originally for *Gaia*, the commonest female praenomen, taken as denoting a woman in general. Cp. the marriage formula 'ubi tu Gaius, ego Gaia.' Quint. i. 7, 28, 'Nam et *Gaius* C littera significatur, quae inversa mulierem declarat. quia tam *Gaias* esse vocitatas quam *Gaios* etiam ex nuptialibus sacris apparet.'

foll. The legend on the as of Luceria is now ascertained to be CN.F, not GR.F; see C. I. L. 5). It is not found, however, on the (restored) *columna Rostrata*, the original date of which is later than that of the epitaph. Very possibly it did not come directly into general use, and in certain cases the archaic C was preserved till long after. Thus C. and CN. are the recognised initials for Gaius and Gnaeus.

5.] K or K is the archaic form rather than K. This letter, as is well known, soon went out of use, except in a few words, such as *Kalendae*, *kalumnia*, *karus*, *Karthago*, etc., and was not constant even in these, except in the first. Quintilian advises that it should be used when standing by itself in abbreviations, though he remarks that some grammarians wished to write it generally before *a* (Inst. Or. i. 7, 10).

L was originally more or less pointed amongst the Romans, as ⅃, but this form ceased to be in use about 180 years B.C. (V.C. 570–580). It had also another shape (ʟ) in use till quite a late date, appearing even in Christian inscriptions of the fourth and fifth centuries. The ancient M or M was also some time in use, though by no means constantly. It remained as the initial for Manius (M which we usually write M′) to distinguish it from Marcus. Of N perhaps it would be true to say that the two side strokes were rarely quite parallel in inscriptions, and that the form N or N was at first more common. P is found in various shapes, from Ր to P. In some old monuments it is quite square (Π), as in Greek; but it does not appear in this form (according to Ritschl) after 620 V.C., being after that date slightly rounded (Ո), or even P. The form of R with a tail is found in the Chalcidian, and even in the old Attic alphabets. Generally, it may be said, that the angle it makes is not actually joined to the stem of the letter, and this is also the case with the Faliscan Я. Q (the Greek koppa) is unknown to the other Italian alphabets as to the ordinary Ionic, and is one of the marks of the Dorian origin of the Latin alphabet. It has various archaic forms, Ϙ, Q, Q, Q. S has two principal shapes, the archaic ϟ, which ceased to be used about the same time as the pointed ⅃, and the modern S naturally formed from it by attempts to write it in a single stroke. T has many slight variations, but is, I think, never (as in many old alphabets, or perhaps

in most) of cruciform shape, except when used as a monogram for TI, e.g. in LIBER†S. X was perhaps not introduced so early as the other letters, and therefore was inserted out of place at the end of the alphabet. How this could be is not quite clear, as it was in use in the Chalcidic, Euboean, and old Attic alphabets, and was not superseded by the Ionic Ξ till the archonship of Euclides, B.C. 403. It appears, also, on the most ancient Latin inscriptions, as *Alixentrom*, C. 59, *Alixente*[*r*], and *Aiax*, C. 1501, p. 554, on early works of art. It is found in the form of a cross (+) on the little Tyrolese inscription, C. 1434. X appears on the denarius (first coined B.C. 485) as a mark of value, and in inscriptions X, ⋇ = *denarii*.

6.] The remaining three letters of the Chalcidian alphabet, ⊕, ⊙, O = θ, ⌽ = ϕ, and ↓ = χ, were not in use in ordinary writing, but were adopted as numerals. The circle of O was left incomplete till it became a C, and was used for *centum*, one hundred. ⌽ appears either unaltered, or as ∞, or as ↀ, or finally as M, or ↀ, and stands for a thousand, *mille*. ↓ is arbitrarily taken as a cipher for fifty. We find it in various shapes, as ⊥ or ⊥, or with one of its arms gone, as L, till it finally becomes the ordinary sign L. The origin of this notation is, I believe, quite uncertain, or rather purely arbitrary; though of course we observe that the initials of *mille* and *centum* determined the final shape taken by the signs, which at first were very different in form. D, for five hundred, is simply half ⌽, and is sometimes represented by IↃ. The insertion of a half circle into the same character has the effect of multiplying it by ten; so that ↂ is ten thousand, and ↈ one hundred thousand, etc. See for instances Col. Rostr., note, and C. 593, note, where the forms of these ciphers are given.

7.] In the time of Cicero five letters or combinations were introduced, Y and Z, and the aspirates TH, PH, CH, in order to transcribe Greek words more exactly. They crept gradually into many Latin words, but do not, as we have said, properly belong to Latin. The Emperor Claudius also introduced three, two of which appear not infrequently on monuments of his age. The first, or *inverted digamma* (Ⅎ or ꟻ), was intended to represent the consonantal V, the digamma of the old Greek and Etruscan alphabet. It occurs, however, several times, though not uni-

formly, in one of the Acts of the Fratres Arvales of the reign of Nero, recording a vow for the health of the Emperor, e. g. in the words VOℲIMVS, ℲOℲEMVS, ARℲALES, ARℲALIVM (once ARVALIVM), BOℲE, IOℲI (Henzen, No. 7419). It is found elsewhere in such words as ℲELINA, ℲIR, AMPLIAℲIT TERMINAℲITQVE, but, though it might have been useful, it did not much outlast his reign. The second Ɔ, or *anti-sigma* (a reversed C = Σ), was to represent the Greek ψ, *bs* or *ps*, but was manifestly useless, and is never found on monuments. The third, ⊢, a character like the Oscan ꟷ̊, but with rather a different power, was to represent the Greek *v*, probably the same in power as the French *u* or German *ü*. It occurs in C⊢CNVS, B⊢BLIOTHECA, and once in G⊢BERNATOR, on inscriptions of Claudius' reign, and in Latin would answer to the *i* or *u* before labials, which occurs, for instance, in all superlative terminations, though we do not find it used in writing these. This also might have been useful, but did not last any more than the others. It is found once even in *old* Latin (C. 1434) from Tyrol, in the name ΛIM⊢ΚIΛ, that is, if we can trust the copyist who thought the inscription was Volscian.

8.] We may notice a few more peculiarities of writing, intended chiefly as helps to pronunciation. The first we shall mention is the device of doubling vowels to express a long vowel, pretty much as is done in German with *a* and *e*. This was employed, at least to a certain extent, by the Oscans, and the Umbrians produced the same effect by adding an *h*. The usage, such as it was, received its greatest impulse from the poet Accius, who, it is said, always so marked long vowels in his poems (Velius Longus, p. 2220 P, etc.). But it would be probably a mistake to say that he was the first to do so. Marius Victorinus ascribes it to Livius and Naevius (p. 2456 P), in a passage which Ritschl would alter to suit his view about Accius, and Quintilian most distinctly implies that it was in existence before his time, 'Usque ad Accium et ultra porrectas syllabas geminis, ut dixi, vocalibus scripserunt' (Inst. Or. i. 7. 14). However this may be, the custom does not seem to have prevailed widely. Besides the word VOOTVM on the Faliscan inscription above referred to, which must be earlier, we have about forty instances in inscriptions of the age of Accius, all

with the vowels A, E, V[1]. The occurrence of doubled vowels in an inscription has therefore been considered by Ritschl and others as a mark of date, fixing it to a period between 620–680 v. c., i. e. between the time of the Gracchi and that of Cicero. Cp. note on the titulus Aletrinas, C. 1166. This, however, requires further investigation. In Cicero's time, again, the semi-vowel J was in the middle of words often denoted by II; while the long I itself was represented from rather an earlier date by the prolongation of the same letter above and sometimes below the line. The device of doubling the vowels was, as we have said, never very widely used, though it had certainly some merit. It was superseded about the time of Cicero's consulship (B. C. 63) by the *apex* (′) put over vowels, perhaps in imitation of the Greek accent, perhaps as a sign that the vowel should be doubled. This became very common, though it naturally went out when quantity was disregarded, and accent took its place.

9.] The doubling of *consonants* in writing was at first unknown in Latin, but was introduced by Ennius as an imitation of the Greek fashion[2]. This usage is certainly not found before his time, and does not occur even in some later documents (e. g. in the S. C. de Bacchanalibus). Another method of expressing that a stress was laid upon a consonant was by the *sicilicus*, evidently so called from its sickle-like shape (sica, sicilis), as in Lucul'us, Mem'ius, sel'a, ser'a, for Lucullus, Memmius, sella, serra[3]. It is found sometimes in MSS, but has only been lately noticed in inscriptions. Professor Emil Hübner has given an account of two instances, one of republican times, in the name SABEL'IO, the other perhaps of the first century A. D. in the name MVMIAES (Hermes, vol. iv. p. 13 sq., for 1870).

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[1] See the paper of Garrucci above cited; and compare the doubled *u* in the genitive singular and nominative plural of the *u* declension.

[2] Festus, s. v. Solitaurilia, ed. Lind., p. 238, p. 293 M.

[3] Isidor, Orig. i. 26, 29, p. 24 L. Marius Victorinus, p. 2456 P.

CHAPTER III.

PRONUNCIATION.

1.] THESE latter details bring us to the question of pronunciation. For this purpose we shall have to consider the letters of the alphabet under different classes of sounds. First, we have the five *vowels*, A, E, I, O, U, in pairs short and long. Then, the *semivowels*, and of them (1) the spirants, S, F; H, J, V; (2) the nasals N (guttural and dental) and M (labial); and (3) the dental R and L sounds. Lastly, the *mutes*, the gutturals C (K), Q and G, the dentals T, D, and the labials P, B. Latin had neither palatal nor cerebral mutes, that is, no sounds answering to our *ch* or *sh*, or to our *d* pronounced in the top of the mouth.

	Mutes.		Semi-Vowels. Spirants.		Semi-Vowels. Nasals.	Semi-Vowels. *r* and *l*.	Vowels.		
	surd. hard.	sonant. soft.	surd. hard.	sonant. soft.	sonant. soft.	sonant. soft.			
Gutturals	*c* (*k*) *q*	*g*	—	*h*	*n*	—	*a*, *ā*	} *e*, *ē*, *ae* (*a*, *ā*; *i*, *ī*)	} *oe* (*e*, *ē*, *ae*; *o*, *ō*)
Palatals	—	—	—	*j*	—	—	*i*, *ī*		
Cerebrals	—	—	—	—	—	(*r*, *l*?)	—		} *o*, *ō* (*a*, *ā* … *u*, *ū*)
Dentals	*t*	*d*	*s*	(*s*)	*n*	*r*, *l*	—		
Labials	*p*	*b*	*f*	*v*	*m*	—	*u*, *ū*		

Vowels and Diphthongs.

2.] The nature of the vowel sounds has been lately investigated with success[1]. It has been proved that the five vowels, as pronounced generally in Italian and German, and for the most part in other foreign languages, have a very curious relation to one another. If we take a tuning fork and hold it in the mouth during the enunciation of the vowels U, O, A, E, I, the number of vibrations per second is observed to increase in a perfectly regular geometrical progression. The number of vibrations is said to be for U 450, for O 900, for A 1800, for E 3600, and for I 7200, that is, for each exactly twice as many as for that lower

[1] By Helmholtz and Koenig. See the Academy, vol. ii. p. 72, for 1871.

down in the scale. The modified vowels have not yet, I believe, been examined, but there is no doubt that they would be found to take regular positions also. This scientific relation of the vowels, as well as the consent of so many nations in their pronunciation, would lead us *a priori* to believe that the Latin vowels were not very different from the same as at present pronounced by the Italians. This is confirmed by what we learn from the ancient grammarians.

3.] Quintilian, in a well-known passage, speaking of hiatus, says, 'it is specially noticed with those vowels which require the mouth to be hollowed or broadened to its utmost. E is a smoother letter, I finer, and therefore the difficulty is not so apparent with them [1].' He is here evidently contrasting O and A with E and I. O and A are the vowels, 'quae cavo aut patulo maxime ore efferuntur.' In the case of A, the guttural vowel, the mouth is opened to its widest and the tongue left flat, so as to bring the back of the mouth into play. There is nothing, I think, to prove that the Romans ever deviated from the full broad sound of this vowel, such as we have now-a-days in Italian. Lucilius (c. 150 B.C) testifies in his 'satire' on orthography, 'Let us write as we pronounce short and long A alike, *pacem*, *placide*, *Ianum*, *aridum*, *acetum*, just as the Greeks do their Ἄρες Ἄρες [2].'

In respect of quantity, however, we should, I suppose, make just the difference which the Italians do between their accented and unaccented A, e.g. between *pádre* and *padróne*, or as the Germans between their double *a* in *Baar*, *Haar* and the single in *machen*, *haben*. That is, for the long vowel we must open the mouth wider than for the short one.

4.] E stands midway between A and I, as it does also in the progressive scale. The lips are nearer and the tongue raised at

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[1] 'Tum vocalium concursus: qui cum accidit, hiat et intersistit et quasi laborat oratio. Pessime longae quae easdem inter se litteras committunt, sonabunt. Praecipuus tamen erit hiatus earum, quae cavo aut patulo maxime ore efferuntur. E planior littera est, I angustior est, ideoque obscurius in his vitium.'—Inst. Or. ix. 4, 33.

[2] 'A primum longa, brevis syllaba, nos tamen unum
Hoc faciemus et uno eodemque ut dicimus pacto
Scribemus pacem, placide, Ianum, aridum, acetum,
Ἄρες Ἄρες Graeci ut faciunt.'
Ap. Ter. Scaur. p. 2255 P., quoted by Corssen.

the back towards the palate, instead of being flat as in A; but they are nearer still and the tongue is raised still higher in I. Both the short and the long E had a tendency to become I. Of final E Quintilian says (Inst. Or. i. 4, 8, 'in *here* neque E plene neque I auditur'), 'In the word *here* (yesterday) you neither hear exactly E or I,' and in fact a good many dative and ablative terminations were written equally with either vowel, in old Latin EI. The same thing was the case with short E. Quintilian in the same chapter (Inst. Or. i. 4, 17) notices *Menerva*, *leber*, *magester*, and *Diiove victore* for *Diiovi*, and we find frequent instances in inscriptions, as *tempestatebus*, *mereto*.

This was corrected in classical times, but probably was never effaced from the speech of the people. Popular language also at an early date changed *ae* to *e*. Lucilius tells us that the rustics said 'Cecilius pretor' in his time (ap. Varro L. L. vii. § 96, 'Cecilius Pretor ne rusticus fiat') and we find *Pretod* for *Praetor* in the Faliscan inscription already mentioned, and similar forms in others, e. g. *questores*, *Diane*, *Victorie*. This seems soon after to have become the common pronunciation. The converse substitution of *ae* for *e* was not however so early, and curiously enough, when it did come, it was used equally for short and for long *e*. Thus on the one side we have *scaena*, *Thraex*, etc., and on the other, *caestus* (κεστός), *Paeligni* (Πελιγνοί), and such misspelling as *praetium*, *praeces*, *baenemerenti*, *quaerella*, *aegestas*. The following are from Pompeii, and therefore of an early date, C. I. L. iv, *aegisse* 2413 *f*, *Aepaphroditus* 2319 *l*, *laesaerit* 538, *maeae* 1684, *Numaerio* 2313, *quaecunquae* 2052 bis, *Saenecio* 2163, *Venaeria* 1659, (?) *timaeo* 1859. There are also some representing final η in Greek words, like *onagricae*, but the majority by far are for short *e*. These instances are important, as all being before 79 A.D. In Italian the *e* in *Cesare* and *secolo* has the same sound as in *bene*, *temere*, that is, the open *è*. Long *e* is represented in Italian by close *é*, as in *aréna*, *ridé*; and this may perhaps be the best rule to follow if we attempt to imitate Latin sounds.

5.] We have already spoken of the ambiguity of sound between E and I in old Latin, and we may mention the rule proposed by Lucilius to write (and speak) EI in plurals of the O declension, as *puerei*, *illei*, and in datives of the consonantal

and I declension, as in *mendacei*, *furei*[1]. Quintilian speaks of this rule as useless seeing that the simple I could do duty for both sounds, and so it has come to be written; but the Romans seem never to have been very certain how to write the accusative plural of the I declension, whether EIS, or IS, or ES. On this diphthong there is a valuable remark of Ritschl's, that 'EI is never the expression of a short *i* . . . . that there is no long *i* in the later language, which is not found written EI on the monuments more or less constantly; that there is no EI on the monuments except in syllables that were either always long, or, if later shortened, originally long.' This position he defends in his Plautinische Excurse, No. xxv. (xxiii.), first printed Rh. Mus. N. F. vol. viii. and again Opusc. Phil. ii. p. 623 foll.[2]. There was a similar ambiguity between the sound of I and V before labials (Quint. i. 4, 7, 'medius quidam V et I litterae sonus'), for which, as we have remarked, the Emperor Claudius proposed to introduce the sign Ⱶ. The words in which it occurred used all to be written by the Romans with U, till Caesar and Cicero introduced the fashion of writing and pronouncing I as in *optimus maximus*, *pontifex*, *mancipium* for the old *optumus*, *maxumus*, etc. The meaning of this seems to be that we are to pronounce without an attempt to render either exactly. Cornut. ap. Cassiod. p. 2284 P, 'Terentius Varro tradidit Caesarem per *i* eiusmodi verba solitum esse enuntiare et scribere.' Vel. Long. p. 2216. 'Optumus maxumus in quibus adnotandum antiquum sermonem plenioris sonus fuisse et ut ait Cicero rusticanum.' (Corssen, i. p. 336.)

6.] The relation between A, E, I bears a considerable analogy to that between A, O, U; only the lips, instead of being kept

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[1] '"Iam PVEREI venere:" E postremum facito atque I,
Ut pueri plures fiant: I si faci solum,
PVPILLI, PVERI, LVCEILI. hoc unius fiet.
"Hoc ILLI factum est VNI:" tenue hoc facies I.
"Haec ILLEI fecere:" adde E ut pinguius fiat.
"MENDACEI FVREIQVE:" addes E cum dare FVREI
Iusseris.' Lucil. ap. Quintil. i. 7. 15.

[2] This remark, however true generally, seems to be too sweeping for the usage of later monuments. Once at least in the Epitaph of Eucharis, C. I. L. i. 1009, v. 5, we find 'Amor *parenteis* quem dedit natae suae'
for *parentĭs*, which would seem naturally short; and this Ritschl has, I find, noticed in a note to the last publication.

nearly parallel and distended sideways, are rounded or protruded. O is the vowel in which the mouth, to use Quintilian's phrase, is most hollowed. The tongue is slightly raised behind and depressed in front, and the lips formed into a circle. As to the difference between the long and the short O, a grammarian named Sergius, of a somewhat later date—uncertain, but after the fourth century A.D.—gives a hint, which may still be valuable as a rule for our practice:—'O when it is long sounds within the palate, *Roma, orator;* when it is short it is expressed by the tips of the lips' ('primis labris exprimitur,' Donat. i. p. 520, 30 K. ap. Corssen, i. p. 341). He means probably that we are to move the lips outwards in pronouncing *ŏ*. This would give us pretty nearly the difference between the close and open Italian *o* as in *Róma*, on the one hand (close), and in *sòldato, còro*, on the other. But here (like AE changing to E) AV changing to O, has at least in Italian the sound of the open or short, not of the close or longer vowel. 'We have,' says Mr. Munro, '*òro, òde* (*aurum, audet*), and so should pronounce *plòstrum, Clòdius, Còrus*.' We certainly use the lips more in this than in the close O.

7.] In the labial vowel U the tongue is raised higher at the back than in O, and the lips brought closer together and more protruded. That this was the sound used by the Latins, and not the French or German modified *u*, seems to be generally agreed. In this they differed from the Greeks. Marius Victorinus[1] tells us that Latin U can only be rendered in writing or pronunciation by the Greek ου, and so we find it generally in transcriptions. Short U is indeed sometimes rendered by O, as in Νομήτωρ Σέκονδος, and more rarely by υ, Καπύη, Τέρτυλλος. But it can have been like neither of these exactly, and so the commoner practice, as well as tradition, leads us to accept the German or Italian U as the fundamental sound in Latin. There is no nation, I believe, except our own which fastens on a Y as a handle to its U.

8.] As to the diphthongs, it seems as a general rule to approve itself to common sense that they should be pronounced as the vowels of which they are composed quickly run into one another. We have seen, however, that AE tended more towards the simple

[1] p. 2454 P. Corssen, i. p. 346.

E than to AI, as it should have done. Of the others AI, AV, EI may be pronounced, according to the general rule, *Gaius*, *Scaurus*, *eius*, *Pompeius*, *Seius*. EU occurs very rarely, but should probably be more like our rendering of it than the German (nearly=*oi*). OE was most likely very near the German *ö*, as in *Phoebus*, *poena*, *moenia*, and if so the transition to E and AE was easy.

9.] *Semivowels. Spirants,—sonant,* H, J, V, *surd*, S, F, (X).

H is a weak spirant, though it may have once been hard (*ch*) in *veho*, *traho*, etc., which make *vec-si*, *trac-si* in the perfect. It had a very weak sound in Latin, especially between two vowels or at the beginning of a word, and has finally disappeared in Italian pronunciation.

J was distinguished by no separate sign in Latin from I, and there is little doubt that it was, when consonantal, equivalent to our Y. In our own English way we speak of *cujus*, *ejus*, *Sejanus*, but of *Seius*, *Pompeius*, though there is no reason for supposing any original difference. The Italians generally substitute *gi* for *j*, and the French pronounce as we do. The Germans, on the other hand, seem to have preserved the real letter. The only difference the Latin grammarians notice is between the longer and shorter sound (see Priscian, i. 18). Between vowels they often wrote *ii* for *j*, as we have mentioned above. Caesar, for instance, who was noted for his grammatical correctness, spelt the genitive of *Pompeius* with three I's, and no doubt pronounced them all, so, *Pompeï-yi*, making the middle one a *y*. We must not be misled by an instance like that of *Janus* beside *Diana*, in which the modern pronunciation brings us nearer to the root. Such cases are very rare; even *jugum*, where the *j* sound seems supported by Greek *ζύγον*, really represents a root (*jug*) *yug*, appearing in Sanskrit *jugjam* (an ox for ploughing), and German *joch*, and our *yoke*, etc. There are some traces indeed of the change to *z* or *j* from the end of the second century A.D. onwards, but it cannot have become common among educated men till much later, not perhaps till the beginning of the sixth century. (So Corssen, i. p. 310. He gives A.D. 202 as the date of *Zerax* for *Hierax*, I. N. 2559.) The inscription of Pontius Leo in the Lateran Museum, which I have copied from a rubbing taken by Professor Westwood in 1864, gives a striking instance of this corruption:—

PONTIUS . LEO SE BIVO FECIT S = *s(ibi)* ?
ET PONTIA MAZA COZVS . VZVS = *P. Maia coiux (h)uius.*
Figure of a lion FECERVNT . FILI
O SVO APOLLINARI . BENE
MERENTTI.

10.] We now come to that spirant about which there is the greatest, the only real, controversy in matters of Latin pronunciation. Modern Romance languages represent the consonantal V by the modern V, and so do European nations when they pronounce Latin. On the other hand, the analogy of the relation of I and J (see the quotation from Nigidius Figulus in Aul. Gell. N. A. xix. 14. ad fin.), as well as a considerable amount of evidence, incline us rather to suppose that the sound was more like our *w*.

We may arrange this evidence under three heads :—(1.) ancient references to the pronunciation of the letter; (2.) the internal evidence of the Latin language; (3.) transcriptions.

11.] (1.) The ancient references to the pronunciation of the letter tell us that we must give it almost exactly the same force as the Aeolic digamma Ϝ, the representative of the Phoenician Y, Vav. (Priscian, Inst. Gr. i. iv. 20; Quintil. I. O. i. 4. 7, xii. 10. 29.) Priscian, who has a good deal to say about this letter, refers to Horace's

'Nunc mare nunc silüae,'

and Catullus'

'Quod zonam soluït diu ligatam,'

as illustrations parallel to the vocalised digamma, though the instance he gives in Greek seems not a close parallel—καὶ χεῖμα πῦρ τε δάϜιον. It may fairly be argued that unless the words were pronounced *more* like *silwa, solwo*, than *silva, solvo*, we could never have got such a resolution. It is not fair, I think, to call this merely a learned caprice of these poets.

As to the pronunciation of the digamma, ancient grammarians tell us that it was very nearly like the vowel U, Greek ου. In the Phoenician alphabet the same character (Y) stood for both the vowel and the consonant, as in Latin. In modern Hebrew there is a difference such as exists between High and Low German

or English *w*. The Jews in European universities pronounce the Vav as *v*, while the Eastern Jews have *w*, perhaps being influenced by the Arabic. As to the Greek letter, Dionysius of Halicarnassus (i. 20) defines it as the syllable *ου* written in one character (*συλλαβὴ ου ἑνὶ στοιχείῳ γραφομένη*), and so do others. But we must not rely too much upon this identification, as the exact force of the digamma is as controverted as that of the *v*. Probably whatever we may accept for one should be received for the other also; yet neither can be, it would seem, our dentilabial *v*.

Latin authors do not draw any distinction between the *v* as initial or medial. Quintilian, who identifies it with the digamma, gives instances of both, *servus* and *vulgus*. Besides this we have one or two anecdotes of some importance. Gellius tells us (x. 4) that Nigidius Figulus wittily argued for the natural as opposed to the positive or arbitrary origin of words by adducing the difference between *nos* and *vos*. 'When we say *vos* we use a motion of the mouth towards those whom we are addressing, thrusting out the lips in a manner suitable to the expression of what we mean. When we say *nos* we pronounce without either projection of the lips or effort of the voice.' Now this loses half or all its point if they said *vos* as we do, making the teeth and upper lip meet, but some letter employing the lips alone seems to be described by the words used by Figulus. Another well-known story illustrates the same point, that of the warning voice heard by Crassus when he was at Brundisium, ready to start on his ill-fated Parthian expedition[1]. The man crying figs only wished to recommend them as coming from Caunus, in Asia Minor, but the soldiers heard in his prolonged cry, *Cave ne eas, Cave ne eas*. *Cauneas* could never have been mistaken for *Cave ne eas* if the *v* in it had not sounded something very like the vowel *u*. Observe that in these anecdotes we have an example both of the initial and the medial *v*, of *vos* and *cave*, just as of *vulgus* and *servus* in Quintilian.

On the other hand, the *v* must, I think, have sometimes had a lighter sound than our *w*; in cases, for instance, where it comes after a consonant without making the preceding vowel

[1] Cic. de Div. ii. 40: cp. Plin. N. H. xv. 19, 21.

long. Priscian (Inst. Gr. i. 4. 22) quotes, for instance, from Terence, Andria—

'Sine *invidia* laudem invenias et amicos pares,'

an iambic senarius, where the *in* in *invidia* is short. So Plaut. Aul. 478, cp. Poen. v. 4. 35, *invito*. But this is only an instance of the evanescence of *v*, which takes place more often certainly between vowels.

12.] (2.) The evidence of the internal structure of the language is to the same effect—showing the close relation between the vowel and the consonant and the evanescent character of the latter.

We have only to compare *fav-eo*, *fau-tus* with *gaud-eo*, *gav-isus*, to feel that here, and in many other cases, *u* becomes consonantal or vocalic, as it is followed by a vowel or by a consonant. In *faveo*, *gavisus*, it is naturally consonantal, in *gaudeo*, *fautus*, vocalic; and so it generally is in perfect stems. In the same way *ov*, like *ou*, has constantly been contracted into simple *u*. Thus *providens* becomes *prudens*, and *novendinae nundinae*, just as *douco*, *couro* change into *duco* and *curo*.

Contraction is only another form of evanescence, and this has taken place both in initial and medial *v*, the latter especially between vowels.

Initial *v* is lost in Latin always before consonants, as in *radix*, *ros*, *rosa*; *laqueus*, *lacer*, *lorum*; and frequently after consonants, as in *soror*, *sopor*, *canis*. It is also lost in hundreds of instances between two vowels, as in *Gaius* for *Gavius*, *Gnaeus* for *Gnaevus*, *aetas* for *aevitas*, *boum* for *bovum*, etc., etc. The same loss has taken place in all Italian perfects where *-ai* stands for *-avi*, as in *amai*, *lavorai*. This seems naturally to range itself as a fact by the side of the loss of *v* by contraction. This is allowed by Corssen, who would here give *v* the sound of the English *w*; but the same writer would draw a distinction, unknown, as we have seen, to ancient writers, between *v* when it is initial, or when it is medial by the side of a consonant, and this *v* between two vowels. 'Had the *v* been in these places,' he says (Aussprache, etc., i. p. 315), 'a weak vocalic sound, something like the labial *u* after the guttural in *qu*, the consonant or *v* itself would not so often have been lost,' and he therefore proposes to give *v* in these positions the sound of the German *w*. But surely this argument is worth nothing, and it is the only argument I can

discover for his conclusion. The difficulty is much greater in saying *w* before a consonant than *v*. There would have been no trouble in saying *vρόδον*, *vρίζα, vrosa*, *vros*, etc., but a good deal in saying *wrosa, wros*, and so in the ordinary process of phonetic decay it was left out. Just the same thing occurs in the Teutonic languages. In High German the *v* sound has prevailed; in Low German and Scandinavian *w* is constantly omitted either in writing or in pronunciation—cp. *Olaf*, *Wolf, Orm, Worm*, and the constant omission of initial *w* in the lake district—while in ordinary English though we write *w* before *r*, we scarcely sound it in *wrap*, *wrong, wretch*, etc.

13.] Another point is the interchange in Latin between *b* and *v*, *v* and *b*. This is found commonly in inscriptions of the fourth century, especially of the vulgar Latin, and to some extent in the third. In the catacombs, for instance, we find very commonly such words and phrases as 'Geronti vibas in Deo,' 'Viba et roga,' 'Suabis benemerenti,' 'Datiba,' 'Bitalis,' and conversely 'Licevit' (on the aedes Veri), 'venemerenti,' and the like; but such instances are rare in previous centuries. If anywhere, we should expect to find such a corruption in the Graffiti of Pompeii, a place exposed to Greek influence, that is, supposing for the moment that the transliteration of *v* by *β* was then in common use. If this corruption was found in them widely, it would at least prove its existence in vulgar Latin before 79 A.D.; but as a fact the only instances we find are some eleven or twelve in the three names *Vesbius*, *Vesbinus*, and *Bibius*, for *Vesvius*, *Vesvinus*, and *Vibius*, though other vulgarisms and misspellings are common enough. (See the Index, C. I. L. iv.) We cannot therefore lay much stress on this fact, and the evidence we have goes rather to prove that the omission of *v* between vowels was an earlier symptom than its confusion with *b*. In these same inscriptions we have various instances of the omission of *v* in conjunction with *u*, in *calus*, *serus*, *iuenis, Juentus*, *Juenilla*.

14.] (3.) As to the transliteration of *v* by *β*, the best statement of the case, though necessarily incomplete, is to be found in Mr. Roby's Latin Grammar (1871, p. xxxvii foll.). It goes to prove that the transliteration by *ου* is the oldest and best supported by MSS, while that by *β* may be as old as the time of Plutarch, who was a Boeotian, and not a very good Latin

scholar. But even supposing the transcription fairly made out as of equal age with that by *ov*, it would be far from proving the point required. No eminent scholar has allowed that our sound of *v* was acquired in the Augustan age by the Greek *β*; and secondly, if it had done so, and if it represented the sound of the Latin *v*, why was not this transcription universal instead of partial? The Greeks would have *always* used the *β* instead of the barbarous-looking *ov*, they would have always written Φόλβιος instead of Φόλουιος, and Λίβιος instead of Λίουιος. Further, there is some reason to think that *β* was in some instances very near in sound to the digamma. (See Curtius, Gr. Etym. p. 514.)

15.] On the whole we arrive at the conclusion that consonantal *u*, in its origin and its general use up to the end of the first century A.D., differed very little from our English *w*. The difficulty is to trace the steps by which this nearly vocalic sound (for it is not of course a true vowel) developed into the labio-dental consonant *v*. The steps have been pointed out very clearly by Mr. Ellis, and are thus recounted again in plain language by Mr. Roby (p. xl.), '1. *u* vowel; 2. French *ou*, pronounced as in *oui*; 3. English *w*; 4. labial *v*; 5. labio-dental *v*.' The labial *v* is the link usually lost sight of, that is, *v* pronounced as *w* is in parts of South Germany[1]—without contact of the teeth and lips, but by the lips only. This explains what has all along been the difficulty, 'how is it, that if *v* was *w* in Latin, it has become *v* in all the Romance languages?' Remembering the labial *v*, we can answer, 'by a natural process of phonetic change, or decay, if the phrase is preferred.' The existence of such variety of pronunciation as is current in Italy now makes it probable that the same was the case in early times. The labial *v*, and even the labio-dental, may have existed dialectically in Italy along with the *w*, but for the earlier and classical period of Latin all our evidence is to show that our *w* is the right and proper sound—a *w* not pronounced with much contortion and mouthing, but breathed lightly, and scarcely distinguishable from the labial *v*.

[1] A South German or Austrian peasant's *Was?*—*a* being pronounced almost like *o*—often seems to an English ear to begin distinctly with our *w*. No doubt an expert in phonetics could draw the distinction, but such experts are rare.

16.] *The surd-spirants*, F, S, (X). F seems to have been distinguished from the Greek φ merely by being rougher and requiring more breath for its production. The only difference Priscian found between them was that *f* was to be pronounced *non fixis labris*, i. e. with more exertion than φ. Yet there was a distinction very sensible to the Romans of the classical period. Quintilian speaks of it as a dreadful barbarous sound (Inst. Or. xii. 10, 29), 'paene non humana voce vel omnino non voce potius inter discrimina dentium efflanda,' and as especially rough when followed by a consonant, as in *frangit*; and he tells us in another place (ib. i. 4, 14) that Cicero laughed at a Greek witness who did not know how to pronounce the first letter in *Fundanius*.

17.] S was, as we have said, the only sibilant used by the Romans, who had for classical Latin neither *z* or *ts*. In Italian *s* between two vowels has a soft sound (like *z*), and so it is commonly agreed it should have in Latin in words like *rosa, musa, miser*, but I am not aware that any ancient grammarian speaks of this. S in this place, or when final, has most frequently been changed to *r* in Latin, as *ara, generis* for *asa, genesis*, and in all genitives plural in *-rum*; and this by the side of Osc. *-azum* (= Lat. -arum) may confirm the supposition drawn from Italian. But the analogy of Umbrian *z* after *n*, as in *menzaru* = mensarum, can hardly prove any more for Latin usage of soft *s* after *n*, than the *z* in *Zenatuo* in the Faliscan inscription for the softening of an initial *s* in ordinary language. Again, if we accept the first rule drawn from Italian pronunciation, we must make many exceptions in the case of words which are written more properly with a double *s*, e. g. Quintilian tells us (i. 7, 20) that Cicero and Virgil wrote *cassus, caussae, divissiones*. And so we should pronounce also with a single hard *s misit* (*missit*), *missus, rusum* (*russum* for *rursum*), *odiosus*, etc. (Munro, Few Remarks, p. 13.)

Initial *s* was always sharp. Final *s*, as is well known, had a very faint sound, and was till the time of Cicero generally not reckoned in versification, and in many words altogether omitted.

18.] The double letter X gradually lost its guttural element *c* or *g*, and became, as in Italian, equivalent to *s* or *ss*, as in *Serse, Alessandro* = Xerxes, Alexander. We find a trace of this perhaps in the prosody of *senĕx, ŭxor, ĕxercitus*, etc., in Plautus;

and several instances are to be found in the Pompeian inscriptions [before 79 A.D.] of final *x* being written *s*. Later, this softening is very common, e.g. *es* = ex, *cozus* = coiux, *bisit* = vixit, on Christian inscriptions.

19.] *Nasals* N *and* M. N is both guttural and dental, M is labial.

There is little to remark about these letters, which seem to have had generally the sounds we give them except when final, when they become very weak, and are often entirely lost, as in the nominatives of many stems ending in *-n*, as *ordo*, *homo*, compared with *nomen* and Ἀπόλλων. Final *m* is often lost in writing just in the same way as *s*, from quite an early age, and though this was rectified in classical times, a trace of it was always preserved in the elision of syllables ending with a vowel followed by *m*, and it appears throughout in the popular language, as seen in inscriptions. Before *ns*, *nf* a vowel appears to have been pronounced long. (Cic. Or. 48, § 159), '*Indoctus* dicimus brevi prima littera, *insanus* producta, *inhumanus* brevi, *infelix* longa; et ne multis, quibus in verbis eae primae litterae sunt, quae in *sapiente* atque *felice*, producte dicitur, in ceteris omnibus breviter.' So in Greek we find Κῶνσος, κωνσουάλια, κωνσούλας, κωνσίλια, Κωνσίδιος (Dionys. Hal.), Κωνσεντία (Appian), Κωσεντία (Strabo), Κωνσταντῖνος, κῆνσος, etc., etc., but Κεντήνιος, κεντυρίων (Roby, 167, 2). This accounts for the frequently weak sound of *n* before *s*, it being lost in the length of the preceding vowel. Thus we get in inscriptions *libes* = libens; *cosol*, *cesor* = consol, censor (El. Scip.); *Pisaurese* = Pisaurenses (C. 173); *Termeses*, *Thermeses* = Thermenses (204); and in classical Latin *decies*, *vicies*, *vicesimus* for *deciens*, etc.; *formosus* for *formonsus*; *Mostellaria* by *monstrum*; *elephas* for *elephans*; *trimestris* for *trimenstris*, etc., etc. Before *t* it is much more rarely omitted in inscriptions, as *dedrot* for *dederont*, *Ateleta* for *Atalanta* (C. 178, 1501 add.), and *Froto*, *metula* (Pompeii, 2257, 1938), but in MSS. it appears to be more frequently dropped; see King's note on Cic. Phil. xii. 12, 29, where Madvig corrects *cogitantis* or *cogitantes* from MSS. *cogitetis* or *cogitatis*, which makes nonsense. On this omission rests a part of an excellent emendation of Catullus, lxvii. 12, where the MSS. read

'Verum istius (or isti) populi ianua *qui te* facit.'

Professor H. A. J. Munro has corrected it, after an old emendation, by which we recover the praenomen of Catullus,

'Verum 'st ius populi "Ianua," *Quinte*, "facit;"'

and so Prof. Ellis, changing *ius* to *os*. Its occasional omission with gutturals, e.g. *pricipis* for *principis* (Pomp. 1932, 1945), and perhaps *attigat*, *attigeret*, for *attingat*, etc. (Lex Repet. v. c. 631 or 632, C. 198, 10, 21, q. v.), is due to assimilation. Many grammarians wished to write *agceps*, *aggo*, *aggulus* for *anceps*, etc., like the Greeks (cp. Varro ap. Prisc. i. 39), making what must have been rather an unpleasing sound. On the other hand, it is curious that *n* in such cases has been preserved intact in modern Italian, owing no doubt in many cases to the softening of the guttural. Before *s* it is often lost, as in *mesi*, *mesa*, *sposo*, *preso*, etc., but *consiglio*.

20.] R *and* L. R was a dental sound formed by the vibration of the tip of the tongue, as is shown by its being interchanged with *d* and *s*, e.g. in *arfuerunt*, *arvorsus* for *adfuerunt*, *advorsus*, and in the instances mentioned above. R and L *may* also have been cerebrals.

21.] L is held (by Schleicher and others) not to be an original sound in the Aryan languages, but to be a modification of *r*, with which it frequently changes in Latin, especially in the terminations *-alis*, *-aris* (cp. *caeruleus* for *caeluleus*, *Parilia* for *Palilia* by dissimilation).

In pronunciation it seems to have had a specially strong sound after a mute, which accounts for the many suffixes in *-ul* and for the introduction of a vowel, oftenest *u* or *i*, to emphasize it, as *dulcis* (cp. γλυκύς), *scalpo*, *sculpo* (cp. γλάφω, γλύφω), and such forms as *facultas*, *facilis*, *saeculum*, *periculum*.

22.] *The Mutes.*—*Gutturals* C, K, Q, G; *dentals* T, D; *labials* P, B.

Pronunciation of the Gutturals.

C and G have in many modern languages, or rather in most, a palatal or sibilant sound when they come before E and I, especially before I pure or followed by another vowel. To take the often quoted name—*Cicero* is in Italian in some mouths *Tchitchero*, in others *Shishero*, in German *Tzitzero*, in French and English *Sisero*. These all agree in rejecting the hard guttural, but they do not agree in their substitute for it; nor do the

Italians at least carry out their pronunciation uniformly, but in many cases preserve the hard sound before *e* and *i*, inserting an *h* after their modern way of spelling, as in *Grechi*, *lunghe*, *lunghi*. Gothic, Welsh, and German all three preserve the hard sound in words taken in the early stages of their language direct from Latin, but this is not an absolute proof, as it is probable that they had at first no palatalised gutturals themselves.

The testimony of foreign languages then is in itself weak, though it offers at first sight a difficulty. In order to arrive at the truth of the matter, we must look into the ancient evidence. This may be arranged under three heads—(1.) that of monuments, (2.) transcriptions, (3.) the analogy of other languages.

23.] (1.) *Monuments*.—It is a noticeable and in itself almost a convincing fact that no grammarian has a syllable to say on the difference of pronunciation between different positions of the gutturals. The argument from this silence is very strong, considering what small matters they often mention. The nearest thing recorded by any one of them is an assertion of the grammarians Servius and Pompeius, neither of them before the fifth century and the latter an African, that *d* and *t* before *i* pure were sibilated, e. g. that *medius* and *Titius* were to be sounded *medsius* and *Titsius* (Munro, F. R. p. 16). But the inference even for that century is by no means necessary from the dentals to the gutturals, though contrariwise the mention of one would very naturally have led to that of the other if it had commonly existed.

The evidence of inscriptions is to much the same effect. We do not possess many in which *k* is used before either of the vowels in question, but there are one or two. The forms *Dekem*-[*bres*] and *Keri*, genitive of *Kerus* or *Cerus*, masculine form of Ceres, especially the latter, are of an early date (C. 844 and 46). What is perhaps more remarkable is that *k* is the regular initial for *citra* on boundary stones, a fact which I believe has not been as yet quoted in this discussion. See Rudorff, Gromatische Institutionen, p. 345. and below on the Agrarian Law, § 4. On the other hand, the confusion of *ci* and *ti*, though very common in later times, is exceedingly rare in the first centuries after Christ. Supposed instances generally turn out to arise from careless copying. The earliest substantiated are not earlier than the

beginning of the third century, viz. *terminac[iones]* and *definiciones*, and these, as Professor Munro remarks, are from Africa—'Africa great mother of barbarisms and heresies.'

As to the testimony of MSS. it is very remarkable that good ones, so says the same authority, often confuse *t* and *c* in other cases, e.g. *at* and *ac*, *tetera* and *cetera*, but rarely in this. Such MSS. write *dicio*, *condicio*, *solacium*, *novicius*, etc., but *contio*, *nuntius*, *spatium*, etc., just as inscriptions of the first two centuries A.D. and generally later. The confusion which *does* exist (as in *tetera* and *cetera*) seems to point also to a hard sound; for there is little likeness between *te* and *tche*, but a good deal between *te* and *ke*, or at any rate a possibility of confusion. This is also said to be a confusion common among the French Canadians of our own time. (See more in Max Müller, Lect. ii. p. 168.)

24.] (2.) *Transcriptions.*—The Romans in transcribing Greek, the Greeks in writing Latin words, employ C and K as convertible. The Greek usage is not so important as evidence, as like the old Gothic, Teutonic, and Welsh peoples, they had no *ç* sounds, and could have gone no nearer to them than ζ or ς, if there had been any to render. But the Roman custom is I think very conclusive. It is true that some three centuries before Christ they were very ignorant of grammar, and had fallen into careless ways of writing and pronouncing, confusing for instance the *c* and *g*. But from that time onward, under the influence of Greek teachers, they took to grammatical studies with peculiar ardour, and seem to have taken particular pains in rendering Greek accurately. We have seen that in the time of Cicero they introduced no less than five new letters or combinations for this purpose, viz. *y*, *z*, *ch*, *th*, *ph*. Now if *Cilicia* when written in Roman characters did not represent the same sound as the Greek Κιλικία, they had nothing to do but to extend their partial use of *k* before *a* to the other vowels, and to have exactly represented the Greek word by writing *Kilikia*. That they did not do so is a presumption that *c* was a sufficient representative of the *k* in all its positions. Surely, again, if the Umbrians introduced a different letter or a diacritical mark for the *ç* or *ś*, the Romans, who were evidently fond of trying experiments of this kind, would have left some trace of the same distinction if it had existed in their language.

25.] (3.) *Analogy of Cognate Languages.*—In the process of phonetic decay, which the analogy of other languages exhibits to us, we meet with a full explanation of the difficulty. The guttural before E and I is naturally sounded somewhat differently from what it is before the other vowels. These two are necessarily sounded in the front part of the mouth, and the guttural is, to save trouble, *attracted*, if we may use the expression, into the same region. A, O, U are all sounded in the back of the mouth and combine easily with the true guttural; but it requires a double, or at least a more vehement and powerful action, to preserve the full guttural with E and I. Thus a slight differentiation arises which may be expressed by the signs KA, K'I. Then a slight Y or palatal sound is heard as *KyI*, e.g. in the corrupt pronunciation of *kind* as *kyind*, and from this are developed in process of time the various sibilant and palato-dental sounds which we have in modern languages. The very fact that these vary so, would seem to make it evident that we cannot seek the original pronunciation in any one of them, but ought to carry them all up to a common source. We have already noticed the analogous fact in the Teutonic languages that all the gutturals were at first hard, and so they remain generally, when initial, though *c* becomes *ch* as medial, e.g. in *Kirche*, *Kelch*, *Kuche*, while their pronunciation in different German dialects varies very much, e.g. that of *g* in Berlin is nearly *y*, and in South Germany soft *gh*. The same original hardness is allowed for Greek, though in many modern Greek dialects similar modifications to those of the Romance languages have taken place. 'In many of the Greek islands,' writes a Greek gentleman (Mr. D. Bikelas in Academy, vol. ii. p. 187), 'the κ is pronounced like the Italian *c* before *e*, *i*, *u*; viz. they pronounce *Cιcέρων* for Κικέρων, *cεφαλὴ τοῦ Cύρου* for *κεφαλὴ τοῦ* Κύρου, *cυριacή* for *κυριακή*,' etc. He also refers to the modified sound of κ before the same vowels in ordinary Greek pronunciation. Taking these analogies into consideration, it seems almost certain that the Italic languages have gone through a similar change, giving birth to the varieties of the Romance tongues. The only object for classical scholars is to determine at what point of the change to fix their mark.

26.] The arguments above adduced, viz. the silence of gram-

marians, the evidence of early inscriptions and MSS. which do not confuse CI and TI, and the constant transcription of Greek κ by Latin *c*, have made it clear that in the first two centuries the guttural C was scarcely distinguishable before E and I from the same letter before other vowels. After the second century A.D. the change gradually began to operate. The way for it was already prepared by a process of decay in one of the Italian dialects, the Umbrian. This people, whom we have no reason to suppose were greatly given to philology, introduced the letter d, of which we have spoken, for Ç, and employed it (though not universally) before E and I, e.g. in *çesna* = cena, *deçem-duf* = decem-duo, *façia* = faciat; or as Ś in later Umbriam, e.g. in *paśe* = pacem. The S was also employed by the Volscians, e.g. *fasia* = faciat. This may account also for the play upon the words *Sosiam* and *Socium* in Amphitruo, 383, 4, which may well be excused in the Umbrian Plautus [1]. In Umbria, then, phonetic decay had in the matter of the gutturals, as in many other points, proceeded further than in Latium. The same early decay in a dialect appears also, if rather faintly, in the Hellenic languages in this very matter. Thus the Illyrian name *Δάζιοι* is no doubt equivalent to *Δέκιοι*, *Decii*, and the Messapian *Δαζόμας* to *Decumus*, a softening very like that observable in Umbrian.

27.] The only distinction, therefore, that we are warranted in drawing between the pronunciation of C with the two vowels in question and with the others, is one that would require no diacritical mark to distinguish it, one, that is, in the first stage of decay, K becoming K′. Pronounce the C rather forwarder in the mouth, lightly and with less guttural effort, and this result will be obtained. I venture to think that by making this slight difference all the supposed awkwardness and ugliness of *Kikero*, etc., will vanish.

28.] The case of G is pretty nearly parallel to that of C, and in practice among ourselves is less likely to be troublesome, as it is hardened in all or almost all our Teutonic words, as *get*, *give*, *begin*, as it is in Germany. The change in this letter seems to have begun with an assimilation to J in the fourth and fifth

[1] An instance, outside Umbria, is on the mirror found at Praeneste with the cista Ficoroniana, where the word *Losna*, represents *Lucna*, *Lucina*, *Luna*, the moon. (C. 55.)

centuries, when we find occasionally such forms as *magestates* = maiestates, and *βελεντι*, *viginti* (Roby, p. lii).

29.] The difference between C, K, and Q is represented by Quintilian as almost nil.

30.] The *Dentals* D, T seem both to have been pure dentals, that is, D, as well as T, was pronounced upon the teeth, not, like our D, in the top of the mouth, or, as it is called, as a cerebral. The very common confusion between the two could not have been so general and so early unless this was the case.

The change of D to R takes place chiefly in the preposition *ad* in composition, as before *r* in *arrorsum*, S. C. Bacch. 196, 25, *arrorsarius*, Lex Rep. 198, 20, 23, *arrenas*, *arrocatos*, Priscian, i. 45, etc.; before *f* in *arfuerunt*, *arfuise*, S. C. Bacch. 2, 21, *arfines*, Priscian; before gutturals, *arcesso*, *arger*, Priscian; and in other words, in *arbiter*, *meridies*[1], *auris* (cp. *aud-ire*), *Ladinum*. (See Corss. i. 238 foll.). In *arduitur*, Tab. XII. x. 7, it is dissimilated before a *d*. In Umbrian *d* is generally represented by *ṛ*, a sound between *r* and *s*.

31.] The *Labials*, in like manner, must have been very close to one another, being frequently interchanged.

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[1] Cp. Varro, L. L. vi. 4, '*Meridies* ab eo quod medius dies; D antiqui non R in hoc dicebant, ut Praeneste incisum in solario vidi.'

CHAPTER IV.

On the Latin Accent.

1.] 'Accentus' (says Servius) 'est certa lex et regula ad elevandam et deprimendam syllabam uniuscuiusque particulae orationis' (De Acc. 2, 3, ap. Corssen, ii. p. 796). This, and many other passages of the grammarians, show that the ancient accent was by no means, as with us, a stress laid upon one syllable of a word, but the pronunciation of that syllable on a higher or lower note than the rest of the word; that it was in fact a musical not a quantitative symbol. The same thing is perhaps more strikingly shown by the Greek name for accent, *προσῳδία*.

2.] The laws of the Latin accent are very simple, though probably unknown *as laws* to many English scholars who are familiar with the rules of Greek accentuation. The reason of this no doubt is that in English we have preserved the accent pretty correctly in our pronunciation. The rules for Latin accent as known to the grammarians, and as usual in classical Latin, may be expressed in a very few words.

(1.) *Monosyllables* are circumflexed when the vowel is long by nature, and acute when it is short, just as in Greek: as *rês, cór.*

(2.) *Disyllables* are always accented on the first syllable, circumflexed when that vowel is long by nature and the last syllable is also short, as *Rôma*, *dônum;* but in other cases always acute, as *Rómae*, *dómus.*

(3.) *Polysyllables* depend for their accent on the quantity of the *penultimate,* not of the last syllable; when that is long they follow the rule for disyllables, when it is short they have an acute accent on the *antepenultimate*; as *fácies, última, cécĭdi*; *cecídi*, *pudícus.*

(4.) The rule for enclitics is that the accent falls on the syllable nearest to the enclitic; e.g. *armáque*, *omniáve*, *armisque*, *tantáne*.

(5.) Prepositions, relative pronouns, etc. lose their accent; as 'Troiae *qui primus ab óris*.' They are in fact drawn into the same word, and so are often written; e.g. *post hác* or *posthác*, *dum táxat* or *dumtáxat*, *praeter ea* or *praeteréa*, but in no case are they accented. The following prepositions are found written in one word, with their cases, in the inscriptions of the age of the Republic (C. I. L. i.), *in* no less than 118 times, *a* or *ab* 15 times, *ad* and *de* 9 times, *e* or *ex* 6 times, *ob* once. Besides which we have *nequis* 27 times, *seiquis* 11 times, *quodie* 3 times, and others.

3.] Thus we see that Latin differed from Greek in its dislike of accenting final syllables, and in making the *penultimate*, not the *ultimate* syllable, important for polysyllables. No words but monosyllables are accented on the last vowel except where the original final syllable has been lost by omission or contraction; as *credón'*, *vidén'*, *illíc(e)*, *nostrá(ti)s*, *damnás*.

4.] This usage in Latin, which disallows the accent on the last syllable, has been of great influence in shortening the long final vowels with which Latin, like Greek, was at first burdened, and in hastening the general decay of terminations, especially in the vulgar language. From the influence of the accent probably it is that the final vowels *a*, *e*, *o* became short in such words as *forma*, *patre*, *censor*, which we find long in the Epitaphs of the Scipios, and to a great extent in the dramatists.

From those epitaphs we get the following instances of archaic long vowels afterwards shortened by the accent:

Elogium Scipionis Barbati:—

'Gnaivód *patré* prognátus fórtis vír sapiénsque.
consól *censór* aidílis queí *fuít* apúd vos.' And ii. 4,
'*subigít* omné Loucánam ópsidésque abdoúcit.'

El. iii:—

'Mors pérfecít tua ut éssent *ómniá* brévia
Honós *famá* virtúsque glória átque ingénium.'
'*terrá*, Publí, prognátum Públió, Cornéli.'

El. iv :—

'Quoieí *vitá* defécit nón honós honóre[1].'

So Epitaph of Naevius :—

'*Itá*que póstquam 'st O'rci tráditús thesaúro.'

Epitaph of Plautus :—

'Scaena 'st *desertā* : dein Risus Ludus Iocusqve.'

And see further under the heads of the different cases and verbal terminations.

All these and many more became short in earlier and later Latin, where we find even the *a* in such words as *frustra*, *extra*, and the *o* in the first person of many verbs made short, till we come to the accentual poetry of the fourth and fifth centuries.

5.] In the same way the accent has tended to the abolition of many final vowels altogether, either when standing alone or in combination with a weak consonant. This has taken place very frequently in nouns of the *o* and consonantal declensions; e. g. in *magister*(*os*), *vir*(*os*), *vigil*(*is*), *exul*(*is*), etc., while in many other cases the *s* is left but the vowel before it has fallen out; e. g. *den*(*ti*)*s*, *men*(*ti*)*s*, *nostra*(*ti*)*s*, *fron*(*di*)*s*. The rule is that where a liquid precedes, the *s* is lost, as *vigil*(*is*); but that a dental coalesces with the *s*, as in *fron*(*di*)*s*, *frons*, etc. So that it is impossible to tell at once whether a stem is consonantal or ended in -*i* without knowing the genitive plural.

6.] In the same way the *i* or *e* of neuter nominatives fell away in *animal*(*i*), *cochlear*(*e*), *lact*(*i*), etc. Many words have both the longer and the shorter form, and so *ut* and *uti*. E

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[1] I do not quote the line

'*quoius forma virtutei parisuma fuit*,'

because I do not scan it (with Bücheler and others)

'quoiús formā virtútei párisumā fúit.'

The objection to this is that it makes the *i* of the superlative suffix short, a measure of which we have no examples, and which is contrary to the probable derivation of this suffix -*is*, from the comparative suffix -*iōs*. We should perhaps scan

'quoíus fórma vírtuteí parísuma fúit;'

on the analogy of *illīus*, *unīus*, etc. (Compare Corssen, Kr. Beitr. p. 544; see below, *pron. decl.*, chap. xiii, and notes on the inscription itself.)

is also frequently lost, e. g. in imperatives *dic(e)*, *fac(e)*, *fer(e)*; and in the pronouns *hic(e)*, *illic(e)*, etc., *neu(e)*, *nec(e)*, *qui-n(e)*, *si-n(e)*.

7.] Most of these instances can be explained by the ordinary rules of the Latin accent, but there are many others which do not harmonise with it; e. g. *victrix* for *vict(ō)rix*, where the long syllable *o* is lost, and that the one which generally has the accent. So *dix(is)ti*, *crep(a)ui*, *nec(a)ui*, *su(buo)rsum*, *gau(i)deo*, *puer(i)tia*; and the shortening of many syllables, *homĭnis* for *homōnis*, *fidĕi* for *fidēi*, *cognĭtus*, *agnĭtus* from *nōtus*, *peiĕro* from *iūro*, in all of which the syllable has been lost or shortened which ought, according to modern rules, to have been accented. The inference from this is that the rule of accentuation must have once been freer than at present, and that the accent was not (in fact) bound to the last three syllables of the word, or dependent on the quantity of the penultimate. What the earliest rule was has hardly yet been discovered. (See, for further details, Corssen, ii. pp. 892–906.)

CHAPTER V.

FORMATION OF WORDS.

1.] ALL languages seem originally to begin with a number of monosyllabic sounds or roots, many of which we can explain as onomatopoeic, while others seem to defy our power of conjecture. It is not our purpose here to try to divine their origin, but to show how out of them the Latin language arose.

It will be worth while to state very briefly what are the various processes of formation which the widest analysis of human speech has revealed to us. There are three great types of language—to adopt the system and notation proposed by Schleicher—naturally distinguished according to their manner of using these roots or formative elements to express concrete ideas.

(1.) The roots remain separate and distinct, as in what may be called the *Isolating* languages. Supposing R to stand for root, r for a subordinate root, the separate root R or this + a subordinate root, without any modification, represent the form of the word in these languages, i. e. R or $R+r$. Taking, for instance, the roots *i*, 'to go,' *ma*, 1st personal pronoun, 'I go' would be in such languages *i ma*. Instances of these languages are *Chinese*, *Siamese*, *Annamite*.

(2.) The principal root remains the same, but it receives an addition in the form of a changeable prefix (p), suffix (s), or infix (i); and thus we reach a higher stage in the formation of language. The form of a word in these—such as *Finnish*, *Tatar*, *Basque*, *Bantu*, and very many others, in fact the greatest number of languages existing—will be Rs or $p\overset{i}{R}s$, i. e. *i-ma* or *i-mi*, the principal root *i* never changing. This type may be called the *agglutinative*.

(3.) The highest type regularly alters the principal root for the purposes of expression, and hence these languages are called *Inflectional*. Preserving the same notation, instead of R

these languages employ R^x (i.e. R^1, R^2, etc.) with or without prefixes and suffixes.

We are acquainted with two great classes of such languages, the Semitic, and the Aryan or Indo-Germanic. The first has several forms unknown to the second, e.g. $R^\times$ or $pR^\times$; for in the latter $R^\times s$—that is, modified root + suffix—is the only form known. Thus, using the same elements, we get *ai-mi* or εἶ-μι as the typical form in Indo-Germanic.

It must be noticed, however, that, though $R^\times s$ is the general symbol, it represents *exactly* but a small part of any language. Very few words comparatively are so simple in form as εἶ-μι, ὄψ (οπ-ς), *es-t*, *lex* (*leg-s*), etc. The *root* constantly developes into a *stem* (according to the usual metaphor); that is, is not only alterable itself, but is constantly followed by one or more pronominal roots or suffixes, besides the final suffix; e.g. στα-τό-ς, φορ-τι-κό-ς, τυφ-θή-σο-μαι; *doc-tu*-s, *doc-t-is-si-mu*-s, *am-av-is*-ti. Lastly, two or more complete stems may be compounded, as λογο-γράφο-ς, *suavi-loquen*-s. In dealing then with the accidence of these languages we speak of stems rather than roots, meaning thereby complete forms of words minus the final suffix.

2.] Latin is one of the dialects of this class, belonging, according to Schleicher's division, to the South-western European division together with the Greek and Keltic languages.

In these, as in other Aryan languages, there are only two sorts or kinds of words distinguished as verb and noun. All adverbs, conjunctions, and prepositions must originally have belonged to one or other class, though it is not of course always possible to determine the original form. Thus in Latin *non* is for *ne unum*, and *ne* or *nei* is in itself a case form; *que* is perhaps the neuter plural *quae*, perhaps an ablative = *que-d*; *cĕ-do* is an imperative = 'give here,' and so on.

In practice it is customary as well as convenient to consider Nouns before Verbs; but there are some indications that they were originally developed in inverse order. This is inferred from the facts, (1.) that the terminations of verbs are so much more worn out than those of nouns, none of them remaining perfect; (2.) that there are no attempts at denotation of gender in verbal terminations. In treating of accidence, however, it will be easier to begin in the ordinary way.

CHAPTER VI.

NOUNS. Denotation of Gender.

1.] There are three elements in the declension of nouns—*Gender, Number,* and *Case.*

First, of *Gender.*

The denotation of gender is not an original part of declension inasmuch as it is evidently an effort of the imagination to transfer distinctions of sex to inanimate things, and there are, as we shall see, many signs of incompleteness in the way in which it is carried out. Nevertheless, the triple division as regards gender seems to have been made before the separation of the Indo-Germanic family, seeing that the same modes are in use in so many different languages.

2.] The cognate suffixes denoting gender in Latin, as in other languages, are *s* for masculines and feminines, and *m* and *d* for neuters. But even in Latin a good many words appear without suffixes. In many cases the suffix has been absorbed or could not be preserved in accordance with the rules of Latin phonology. Absorption has taken place in Latin in masculine and feminine stems ending in *s*, and neuters in *e, i, u*, especially as final *s* and *m* are very easily dropped in Latin. The rules of phonology forbid the addition of the suffix (*m*) to neuter stems in *l, n, r, s, c, t*. But no reason of this kind can be alleged to explain why masculines in *l, n, r* have no suffix, e. g. *sol, ren, fur*; while stems like *puls, mens, frons, sors* have it. *Sanguis* and *pollis* for *sanguin-s, pollin-s* are of course exceptions. The probability therefore is that all nouns were originally without a suffix of gender—which, it must be remembered, appears chiefly or almost entirely in the nominative case alone—and that the

suffixes spread gradually till they occupied almost but not entirely the various classes of nouns. It is of course also questionable whether many of those stems, which are generally quoted as subject to loss, ever had the suffixes at all. There are said to be moreover many classes of nouns in Sanskrit which have no suffixes, and Greek and Latin, with much that is common, do not agree altogether on these points. In Greek *μέλας*, *κτείς*, *δελφίς*, etc. have the suffix, which the masculine participle has not, e. g. *φέρων*; while in Latin just the converse is the case, *ren*, *oscen*, etc. being without it and *ferens* with it.

3.] When, however, the suffixes were added they appear at first to have indicated only a twofold division—one, that is to say, of *persons* and *things* rather than of genders proper. This seems to be proved by the fact that *-s* is the original suffix for feminines as well as masculines, that is, for *personal* as opposed to *real* declension.

The meaning of the suffixes is probably beyond our power to attain to. Perhaps the *-s* suffix may be the same as the pronoun *sa*, 'he.' The *-m* of the neuter appears to be the same as the suffix for the accusative case: the *d* in Latin is confined to pronouns and pronominal words, as *ho(d)c(e)*, *quid*, *aliud*.

4.] There are nevertheless in Latin, as in Greek, some neuter substantives that have the personal suffix, as *virus*, *volgus*, as well as all neuters singular of participles, and adjectives like *felix*. Many neuters consist merely of the naked stem without any suffix, as *vetus*, *pectus*; *triste*, *cornu*; differing from the other genders in this respect that they alone can end in the vowels *e*, *u*. None, however, end in *-a* and *-i* except Greek words like *acroama*, *sinapi*, and none in *-o*. Neuter plurals, however, invariably end in *-ă* (originally *-ā*) and so far are perfectly distinguished.

5.] The differentiation by suffix being incomplete, other methods were resorted to, especially to distinguish the *personal* gender into masculine and feminine. There can be no question that this was carried out in a very arbitrary and uncertain manner. In fact the whole matter of the denotation of gender is one of the clumsiest and least satisfactory processes of ancient language; and we may reckon ourselves fortunate in having got rid of it in English, except for purposes of poetry or to express real distinction of sex.

(1.) The general rule is that the vowel at the end of the stem is raised from short to long for the feminine. Thus we have in old Latin regularly *formā*, *famā*, as well as *nubēs*, *rēs*, parallel to the Greek δίκη, καλή. But we have also as exceptions *poetā*, *scribā*, beside ἱππότης and νεανίᾱς; and in the feminine the short vowel in *domŭs*, *anŭs*, and in Greek ὁδός, δρόσος, etc.

This distinction (such as it is) seems to have arisen before the separation of the Aryan languages, being common to a good many dialects. Another of the same period is the reservation of the genitive singular in *-sya*, Greek -οιο, to masculines and neuters, and that in *-s* to feminines in the case of *a* stems. Thus, ἵππος has genitive ἵπποσιο, ἵπποιο, ἵππου, while χώρα makes χώρας. The same thing probably took place in Latin, all genitives in *a-s* being from feminine substantives; as *familias*, *terras*, *escas*, *monetas*, etc.

6.] (2.) After separation, the feminine is distinguished by retaining the older form of the stem[1], in the case generally of *-a* stems, without the suffix. Thus we have *nova*, *acri-s*, beside *novo-s*, *acer*; and in the first case the suffix is dropped, though it is retained in instances like *domus*, etc., where the vowel has not been heightened to *ā*.

Besides this there are minor peculiarities adapted arbitrarily to this purpose. The proper dative form is retained, for instance, in the feminine *equabus*, *filiabus*, *libertabus*, to distinguish them from the masculines *equis*, etc.; and again, the *-s* of the comparative stem is changed to *-r* for the masculine and not for the neuter, though we have such things as *bellum posterior*, *foedus prior*, quoted from old writers to show that there was originally no distinction. (See below, *Comparison of Adjectives*, ch. xi.)

7.] (3.) Lastly, special stems are formed for particular genders, or reserved for them. Thus we have *reg*in-*a*, *gall*in-*a*, *vict*ric-*s*

[1] The originality of the vowel *a* in many stems which have afterwards generally changed to *o* is particularly apparent in the adverbs. Thus we get the locative *pra-i*, *prae*; the ablatives *contra*, *extra*, *ita*, *aliuta*, *longe*, *bene*, etc.; and the accusatives *quam*, *tam*, *nam*, etc., which imply no feminine idea. In Oscan a contrary process has taken place to that observed in Latin. The full termination is retained for masculines, e.g. Μάρας, *Tanas*; while feminines end in *o*, *u*; as *allo famelo* = illa familia, *muiniku* (= communis), *teremniú* (= terminus). (Mommsen, Unterit. Dialekt. p. 227.)

(but *victricia* neuter), and all stems ending in *iōn-* and *tāt-* feminine; just as in Greek ἡδεῖα, δότειρα, αὐλητρίδ-, λύκαινα, etc. The termination *-or* is likewise reserved for masculines, except in the cases of *soror*, *uxor*, which declare themselves, and those exceptional neuters to which we have just referred.

This seems all that can be said generally with reference to the denotation of gender: a number of special empirical rules would be out of place here; but some will be found under the different declensions. On the whole nothing is so complete and effectual as the old *Propria quae maribus*, which it is to be hoped modern teachers will not entirely drop, or will resuscitate where it has been dropped.

CHAPTER VII.

NOUNS. Number and Case.

1.] The only distinction of number in Latin is that between *one* and *more than one.* There is no dual except in the two forms *duo* and *ambo*, and *duo* sometimes loses its dual form, becoming *duos*, *duas* in masculine and feminine, and even *dua* in the neuter; *ambos* and *ambas* are also found.

The distinction of the plural from the singular will be best considered under the cases.

2.] The *case system* in Latin is formed by a selection from the common system of the Aryan languages, with the addition of a few peculiar suffixes. The same suffixes have not adhered to all stems alike, some being preserved for one and some for another, and they have been variously modified by coalescing with the termination of the stem. Hence it is that we get different declensions distinguished according to the termination of the stem; though the difference in Latin is considerably less than it is in Greek.

3.] The original number of cases, or rather the number of case suffixes in common use before the Aryan nations separated, was eight, not including the vocative, which may be considered merely as an interjection consisting of the stem without suffix. These were:—

Singular.	*Plural.*	*Dual.*
1. Nominative.	1. Nominative.	1, 2. Nom. Acc.
2. Accusative, Vocative.	2. Accusative.	
3. Ablative. } 4. Genitive. }	3. Genitive.	3. 4. Gen. Loc.
	4. Locative.	
5. Locative. } 6. Dative. }	5. 6. Dat. Abl. } 7. Instrumental. }	5. 6. 7. Dat. Abl. Ins.
7. Instrumental, I.		
8. Instrumental, II.		

The tendency of language has been to lessen this number of cases, by melting differing forms into one, or by making one form do double duty. So in Greek the ablative has been lost in the genitive; the dative and locative have coalesced; while in Homer the instrumental form is made to stand for either genitive or dative, and is soon after altogether lost. In Latin, in like manner, the genitive in three declensions is supplied by the locative form in common use, and the dative and ablative most frequently coalesce. There are no traces of either instrumental in Latin.

It will be seen that the plural is ordinarily but not universally formed by adding *-s* to the singular case suffix, and that this had a tendency to drop away.

4.] It may be worth while to give a tabular statement of the oldest case suffixes, omitting those of the dual which have no bearing upon Latin. (Chiefly from Schleicher and Ferrar.)

1. Nominative.

Sing.	M. F.	*-s*, often lost in Latin or not added.
	N.	*-t* or *-d*; or *-m*=accusative; or naked stem.
Plur.	M. F.	*-sas* or *-sasa*; gen. reduced to *as*: Latin *-s*: in 2 decl. *i*.
	N.	Originally *ă* like accusative.

2. Accusative.

Sing.	M. F.	*-m* in vowel, *-am* in consonantal stems: Lat. *m, em.*
	N.	Like nominative.
Plur.	M. F.	*-ms* or *-ns*, perfect in Gothic vocalic stems, but *-m* or *-n* is lost in Greek and Latin, and the stem-vowel lengthened in compensation.

3. Ablative.

Sing.	M. F. N.	*-t* vowel stems, *-at* consonantal: Greek adverbs in *-ως*: Latin *-d* in all declensions.
Plur.	„	Like dative.

4. Genitive.

Sing.	M. F. N.	*-s* or *-as*: Latin *-as, -os, -us, -es, -is.*
Plur.	M. F. N.	Originally *-as-am-s*, becoming *-asâm, -sâm, -âm*: Latin *-om, -rom*: Greek *-ων, -ασων.*

5. LOCATIVE.

Sing. M. F. N. Originally *-an*, *-in* in pronominal declension; ordinarily *-i* (Latin genitive in *-i*).

Plur. M. F. N. *-sva*: Sanskrit *-susu* or *-su*: Greek *-σι*, *-σσι*: Latin = dative and ablative plural in *-is*.

6. DATIVE.

Sing. M. F. N. *-ai* (perhaps *guna* of locative): Latin *-ei*, *-ī*, pronominal *bhi-am*: Latin *-bei*, *-bī*.

Plur. *bhyam-s*: Latin *-būs*; in pronouns *-beis*, *-bīs*.

7. INSTRUMENTAL, I (comitative).

Sing. *-â*, perhaps Greek *ἅμ-α*, *δίχ-α*.

8. INSTRUMENTAL, II (proper).

Sing. *-bhi*, Greek *-φι*.

Plur. *-bhi-s*, Greek *-φι* or *-φιν*.

There are besides special case forms, as the Latin locative of motion in *-im*, as *olim*, *illim*, *dein-de*, *illin-c*. The adverbial forms in *-tus* and *-ter* are doubtful. The Umbrian accusative in *-f* is quite unique.

5.] In Latin the stems of nouns end in the vowels *a*, *e*, *o*, *u*, *i*, and a number of consonants. There is therefore, according to the circumstances mentioned above, a separate declension for each of the vowels and one for the consonants. But the *-i* declension combines very closely with the consonantal, so that there may be said to be on the whole five, answering in fact to the time-honoured five of our old school-books. The old division is thus correct as far as it goes, but it does not seem arranged in right order. They should rather be treated in pairs, the *a* and *e* forming one, the *o* and *u* another, and the third pair being for practical purposes one[1]. The reasons for thus pairing

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[1] We may remark that the *declension character* may always be known by the genitive plural in Latin, which is the only case that preserves the stem-ending always intact. According to the convenient doggrel,

'Declension characters are those that come
In genitives before the *-um* or *-rum*.'

the declensions arise from their general similarity, which will appear in the following pages[1].

6.] The division of cases here adopted, in which the locative is always distinguished from the other case forms, has not, I believe, been carried out in any extant Latin Grammar, though Mr. Roby has effected it partially. But it seems rational, since (1) it is impossible to separate the forms acknowledged to be locatives in each declension from the other similar forms with a genitive, dative, or ablative meaning; and (2) in no other way could the parallelism of each declension be so well exhibited.

7.] PARADIGM OF GENDERS IN THE DECLENSIONS.

A declension.	Masculine and feminine substantives, and feminine adjectives.
E ,,	Feminine substantives (one masculine and one common).
O ,,	Masculine and neuter, substantives and adjectives; some feminine substantives.
U ,,	Masculine and neuter substantives; some feminine substantives, and adjectival compounds of *manus* (?).
I ,, } Consonantal. }	Masculine, feminine and neuter, substantives and adjectives.

[1] Mr. Roby makes two divisions: (1) nouns with stems ending in *-a*, *-e*, or *-o*; (2) nouns with stems ending in *-u*, *-i*, or a consonant. But this, though convenient in some points, separates unnecessarily the *-o* and *-u* declensions, and requires a number of subdivisions. The division into three pairs classes together those only that are really nearest, and requires only the simplest subdivisions. The real analogy of the declensions is seen by taking the oldest forms as the starting-point, not by giving them as an appendix.

CHAPTER VIII.

I. The *A* and *E* Declensions.

1.] These declensions have originally the same terminations, a good many words belonging to both; but they become differentiated in their later forms, especially in the nominative, dative, and ablative plural. The vocative, singular and plural, in both is like the nominative.

Paradigm.

(Rarer forms are enclosed in round brackets, those in square brackets are not actually found but necessarily inferred.)

	Terminations of the A *declension.*		*Terminations of the* E *declension.*	
Sing.	*Old Form.*	*Later Form.*	*Old Form.*	*Later Form.*
Nominative .	Ā, (Ă-s),	*ă.*	Ē-s,	*ē-s.*
Accusative . .	A-m,	*a-m.*	E-m,	*e-m.*
Genitive. . .	A-s, (A-is),	(*a-es, es* ?).	E-s.	
Loc. (Gen.). .	A-i,	*ae.*	E-i,	*e-i.*
Dative . . .	A-i,	*ae.*	E-i,	*e-i.*
Ablative . .	A-d,	*ā.*	[E-d],	*ē.*
Plur.				
Nominative .	(A-s ?), A-i,	*ae.*	E-s,	*e-s.*
Accusative . .	A-s,	*a-s.*	E-s,	*e-s.*
Genitive . .	A-om,-ôm, A-rom,	*a-rum*,(*-ûm*).	[E-rom],	*e-rum.*
Loc. (Dat. Ab.)	A-is,	*is.*		
Dative, Ablat.	[A-bos],	(*a-bus*).	[E-bos],	*e-bus.*

2.] *Peculiarities of the* A *declension.* All the words of this declension are either masculine or feminine, the majority the

latter. In this respect also it is similar to the -*ē* declension, all instances of which are feminine except one.

Nominative singular. Both masculines and feminines of this declension want the suffix, but there is some evidence that the masculines once had it. We find not only the Oscan praenomina Μάρας (Marius), *Tanas*, but in Latin *paricidas*, *hosticapas*. The first occurs in the law of Numa (ap. Fest. Ep. v. *parrici*), 'Si qui hominem liberum dolo sciens morti duit, *paricidas* esto,' and the second also in Fest. Ep. s. v. '*hosticapas* hostium captor.'

Final *s* was easily lost in Latin, and so it is in some Greek nouns of the same declension, *εὐρυόπᾱ, νεφεληγερέτᾱ, ἱππότᾰ.* The feminine termination was originally *ā*, (of which we have given some instances in chapter iv. § 4, cp. vi. § 5,) but it was shortened probably by the influence of the accent, and partly perhaps owing to the necessities of poetry. In the dialects the *a* is changed to *u* and even *o*; Umbrian *etantu*, *multu*, *svepu*, *svepo* = siqua; Oscan *etanto*, *víú*.

3.] *Accusative.* The final *m* is often lost in early Latin in this as in other cases; e.g. El. Scip. Barb., C. 30:—

> 'Taurásiá(m) Cisaúna(m) Sámnió cépit,
> Subigít omné(m) Loucánam ópsidésque abdoúcit ;'

(and see above, chapter iii. § 19, under the letter); and so especially in Umbrian, and less frequently in Oscan.

4.] *Genitive.* The original genitive was probably *a-s*, not *a-is*. The only early instance of the latter termination *a-is* is the name *Prosepnais* (C. I. L. i. 57, P. L. M. i. F.) on a mirror found at Cosa. On the other hand, we have *familias* in constant use, and a number of other obsolete forms, such as *escas*, *monetas*, *Latonas* (Liv. Andron., Odyss.), *terras*, *fortunas* (Naev. B. P. i.), *vias* (Enn. Ann. xvii.), *aulas*, *Maias*, *aquas*, 'veteres' ap. Charis. (Exc. p. 538 K, Corssen, Ausspr. i. p. 769). Others may perhaps be found in Plautus, but are as yet not fully substantiated (cp. Corssen, ii. p. 722, *note*). Another termination in -*aes* occurs frequently in inscriptions from B.C. 80 onwards, but it is confined almost exclusively to proper names, and chiefly to the names of slaves and libertinae. As the subject has been frequently disputed it may be worth while to give some lists of these genitives, and of the contracted or shorter forms in -*es*.

C. I. L. i. Index, p. 603, a :—

Aquilliaes, 1025.	
Dianaes, 1242.	Dianes, Aug. 13.
Laudicaes, 1212.	Minerves, Mart. 21.
Moscaes, 1063.	Monimes, 623.
Pesceniaes, 1212.	

C. I. L. ii. Index, p. 779, a :—

Staiaes Ampliataes, 4975, 60.	Actes, 2079.
	Myrines, 3912.
	Trophimes, 4369.
	Valentines, 4379.

C. I. L. iv. Index, p. 257 b :—

Cominiaes, 2457.	
Equitiaes, 1825.	
Januariaes, 2233.	
Liviaes, 3123.	
lunaes, *1306.	*i.e. *very doubtful.*
Nolaes, 1972?	
Plantaes, 2655, 2656.	

Reinesius, Syntagma Inscriptionum, Ind. ch. xix :—

Arescusaes.	Agricoles.
Auctaes.	Basilices.
Basillaes.	Hygines.
	Macedonianes.
	Macedonies.
	Montanes.
	Philtates.
	Valentines.

The whole list has been given in each case, though it may be of course that the index (especially of Reinesius) is imperfect.

The character of these lists is self-evident. Besides the doubtful word *lunaes*, the only others not proper names that have been quoted are *dominaes*, Bullet d. Inst. Rom. 1861, p. 178; *vernaes*, Fabr. 296, 258 (quoted by Corssen, i. 685). *Annonaes*, also adduced from Fabretti 312, 366, may be a proper name of a goddess (compare Grut. 81, 10, Annonae Sanctae, Orell. 1810); *provincies* also occurs in a late Roman inscription, Grut. 526, 6; Henzen, 6817.

Considering then the peculiar character of the nouns in which this form occurs, and the lateness of its appearance, and, on the other hand, that the form PROSEPNAIS is quite isolated and exists only on a work of art, the origin of which is unknown to us, it seems reasonable to conclude that the form in *-ais* or *-aes* is a Graecism. On the other hand, the shorter form in *-as* is of fairly frequent occurrence in old Latin, and is found as *-as* or *-ar* in the dialects, which on their part show no trace of a longer suffix. Thus we find, Umbrian, *tutas*, *Ijuvinas*, *famerias*; *totar*, *Ijovinar*, etc.: Oscan, *moltas*, *maimas*, *vereias*, *eituas*: Sabellian, *Jovias* (Corssen, i. pp. 769, 770).

5.] *Locative.* Bopp is of opinion that the genitive in *-a-i*, *-ae* is locative in form, and so it would seem probably to be. Corssen has lately come to the conclusion that it is a shortened genitive different from the form in *a-s*, and originally ending in *-ā-ias*, perhaps a modification of the termination *-sja*. This, he says, became *-a-ie* through loss of the *s*, and assimilation of *ia* to *ie*, and then *a-i* through contraction (ii. p. 721, last edition). This is substantiated by a comparison of the Sanskrit *açvā-jas*; and it is argued that the locative meaning is not found in the old forms in *ā-ī*, which occur almost exclusively in abstract substantives. On the other hand, we have not a vestige of this complex process of change in any Latin monument, and it is not at all conclusive to argue that because the locative sense is not usually found with this supposed locative form, it is not originally a locative termination.

The same thing might be said against the instrumental form -φι in Homer, which is quite as often or oftener genitive or dative in sense. And though the idea of place is not the commonest, the Cista Ficoroniana certainly presents us with one undoubted old locative in the words 'med *Romai* fecid.' On the whole, it seems simplest to conclude that this is a locative in form though generally in sense a genitive. Instances of it are found from the earliest times to Vergil. About the time of the Gracchi the contraction of *ai* to *ae* became general, and we find indeed Lucretius using both indifferently, but the form in *-ai* was no doubt with him, as with Vergil, an archaism. In vulgar Latin *-ae* constantly becomes *e*.

6.] *Dative.* The ending, like that of the former case, is in

Latin originally *ā-ī*, usually contracted in classical times to *-ae*. In the old language it is even shortened to *-a*, as notably in the Pisauran inscriptions, C. 167 sqq., *Feronia*, *Loucina*, *Marica*, *Matuta*; and in *Minerva* (194), *Fortuna* (1133 fr. Praeneste), and Iunone *Loucina* | *Tuscolana* (1200, 1201, fr. Capua). On the other hand, it becomes *-e* in *Fortune* (Tit. Fur. 64), *Diane* (168), *Victorie* (183), *Vesune Erinie* (182), and others; and in later Latin this becomes very common. None of the early instances of either *-a* or *-e* are from Rome itself.

7.] *Ablative* in *-d*. This seems to have been the universal termination in all Latin declensions, and instances are found in all except in the *-e* declension. Thus we have *praidad* (Tit. Fur. twice), *sententiad* (S. C. Bacch.), *Hinnad* (C. 530, V.C. 211), *suprad*, *extrad*; *Gnaivod*; *senatud*, *magistratud*; *marid*, *dictatored*; and cp. *sed* (adv.), *red-*, *prod*, *facilumed*. The latest inscription in which it is found is probably the S. C. de Bacchanalibus, B.C. 186, V.C. 568. Plautus is thought by Ritschl to have used it or not at pleasure. (Ritschl, Neue Plaut. Exc. i. p. 106; see, however, Corssen, ii. p. 1007 sq.) The letter seems to have been added to other cases of the personal pronouns by false analogy, as *Med Romai fecid*, *inter sed*, etc. See below, on the Personal Pronouns, chap. xii. §§ 5 and 10.

8.] The *a* always remained long except in some cases of poetic licence in the adverbs, both in early and later writers. Thus Plautus seems always to scan *frustrā̆*. Cp. *juxtă* (Catullus, lxvi. 66), *frustră*, (Mart. i. 92, 21, Prudent. Περὶ Στεφ. i. 13), *contră* (Prud. ib. v. 145, Auson. Praefatiuncula ad Theodos. 16, and others in Lucian Müller, De Re Metrica, p. 341). To these we may add two of *contră* from Ennius, about which there can be no reasonable doubt, though they are altered by Vahlen (see note on Enn. Ann. 181); ap. Serv. ad Aen. viii. 361,—

'*Contră* carinantes verba atque obscena profatus,'

and ap. Varronem L. L. vii. 12,—

'Quis pater aut cognatus volet nos *contră* tueri?'

which Vahlen (following Ritschl) puts into the Tragedies (v. 444), though it is evidently from the Annals, and turns into iambics by the transposition of *nos* to after *quis*. In Valerius Flaccus viii. 34, and Manil. ii. 253, we find *contră* in some editions and MSS.; but the first should certainly, the second probably, be emended.

9.] *Nominative plural.* This should end, according to analogy, in *a-s*. The only instance quoted by the old grammarians is a line from an Atellan Fable by Pomponius of Bologna, preserved by Nonius (Ribbeck, Com. Lat. Fr. Pomp. 141), 'accusativus pro nominativo :'—

'Quot *laetitias insperatas* modo mi inrepsere in sinum.'

Ritschl has, however, ventured to introduce the form into his new edition of the Trinummus, l. 539, ed. 1871—

'Nam fulguritae sunt *alternas* arbores,'

to avoid the hiatus produced by *alternae*. W. Wagner, criticising this in the Academy, ii. 407, and in his introduction to the play, observes that the line of Pomponius should be punctuated

'Quot laetitias insperatas! modo mi inrepsere in sinum,'

and that there are other instances of the hiatus before a cretic, such as that in the Trinummus.

I have certainly not met with any other instance in Latin literature or inscriptions, except in a rather barbarous inscription of late but uncertain date, recording the repairs of St. Paul's 'fuori le mura,' and there existing, where we read :—'*n*ovavit . . . . picturas *quas* in ruinis era(n)t totas *et tec*tu(m) cum tegulas,' (No. 1995 of Mr. Parker's Roman Photographs). But this, if not a mere slip, is probably like the Spanish use of the accusative for nominative. The form MATRONA, of the Pisauran inscription, cannot be appealed to with certainty either as an instance of the termination *a*-(*s*) or *a*-(*i*), as both letters are equally evanescent at the end of words in Latin. On the other hand, the assumption of *-as* as the original form is supported by the dialects, e. g. Umbrian *urtas, totas* = ortae, urbes ; Osc. *aasas, scriftas* = arae, scriptae ; Sabell. *asignas, aviatas.*

If, however, the termination in *a-s* was the original in Latin as well as in the other dialects, it is difficult to see by what process the ordinary termination in *a-i, a-e,* Greek *αι,* arose. Various theories have been suggested, none of which are conclusive. The best appears to be that a similar process takes place here to that which we shall observe in the *pronominal declension*, chap. xiii. In pronouns with gender, both in Latin and Oscan, as well as to some extent in Greek and in Sanskrit, and in the Teutonic languages, we find an increase of the stem

with *i*, by which, to take the simplest instances, the nominative singular becomes **quo-i*, *quei*, *qui*; *qua-i*, *quae*; and the plural in the same way, *qui*; *quae*; *quae*. Cp. Osc. *pa-í*, *pa-e*; Goth. *thai*; Eng. *they*. This pronominal *i* seems to be added by analogy to plural nominatives in the *a* and *o* declensions of nouns. In the *a* declension there may have been at one time two parallel terminations in *a-s* and *a-is*. *Matrona* is perhaps a truncated form of the first; while the ordinary *a-i*, *ae* would represent the second (see further, chap. ix. § 9).

10.] The *Accusative plural* is formed alike in all declensions with *s*. We find no trace of the *n* of the original suffix, except perhaps in the *-ss* in Oscan, e. g. *ekass*, *víass*, *teremniss*, etc., and in the constant length of the vowel in Latin. The Umbrian accusative in this and other declensions has a peculiar termination in *f*; as *vitlaf* = vitulas, *anglaf* = oscines (?). (Cp. A. K. I. p. 113.)

11.] *Genitive plural.* The ending *-om* or *-um* is sometimes contracted with the stem vowel, *a-om* or *a-um* becoming *-ûm* in *Caelicolûm*, *Graiugenûm*, and in the Greek words *drachmûm*, *amphorûm*, just as *-ά-ων* is contracted in Greek into *-ῶν*. The other and common ending in *a-rum* is represented by *a-zum* in Oscan, an indication that the *r* was originally *s*. The final *m* in both is often lost.

12.] The *Locative* form in *-is*, contracted from *a-is*, has become the ordinary dative and ablative plural. A peculiar form of it in *-as* is found in one inscription, which, if it does not explain the formation of the nominative, shows that the converse change of *ai* to *a* is not unexampled in Latin. It is, however, the only instance of the form. It reads DEVAS | CORNISCAS | SACRVM. (C. 814.) The same case becomes *-eis* and even *-es* in early Latin, as in *taboleis, scribeis*, *noneis*, *nuges,* so that this case exhibits, like the nominative plural, a close analogy to the *-o* declension. *Thebis*, *Athenis*, *Formiis*, etc., are simple locatives.

13.] The *Dative* and *Ablative* in *-bus* in this declension is only found with feminine nouns, and serves generally to mark a real distinction of sex, and to avoid ambiguity. The oldest instance seems to be '*dextrabus* manibus' in Livius (Odys. 48 ap. Non.); *eabus* is found in Cato (R. R. 152), and *filiabus* in Cato (Prisc.), Livy, and Seneca, *deabus* with *diis* is found in Cic. (pro Rab. 5),

and is elsewhere common; *natabus* is used by Ovid. The commonest of all these is probably *libertabus*, especially on inscriptions, in the formula 'libertis *libertabus*que posterisque eorum.' There are perhaps no instances in early inscriptions, but in later ones we get ordinary feminine substantives, *portabus*, *oleabus*, *horabus*, and even adjectives, *raptabus*, *pudicabus*, *paucabus*, *Gabiabus*, *Silvanabus*, besides the distinctives *equabus*, *mulabus*, *puellabus*, *animabus*, etc. (See Corss. Kr. Nach. p. 214, Roby, § 368). On the original length of the termination *-bus* see under the *i* and *cons.* declension.

14.] *Peculiarities of the* E *declension.* The nouns of this declension are all *feminine substantives*, though one, *dies*, is also masculine, and the compound *meridies* is masculine in Ter. Ad. 848; most of them too are sister forms to nouns in the preceding, especially of stems ending in *-ia*. The only ones which do not end in *-ie* are *fames*, *fides*, *plebes*, *res*, *spes*, and the ablatives *scabre*, *squale*. The stems of *dies*, *quies*, *requies*, and *spes* seem to have been originally consonantal, i. e. *dies-*, *quiet-*, *spes-*; while *fames* and *plebes*, on the other hand, sometimes passed from this into the consonantal declension.

On the whole, then, this declension may be treated as a subordinate of the *-a* declension, being a peculiar modification of the stems in *-ia* with the addition of one or two disyllables and monosyllables. It is peculiar to the Italian languages, and may be considered of comparatively late origin. Alone of all the declensions it has a genitive plural exclusively in *-rum*.

15.] *Nominative singular.* This always has the suffix *-s*, which adapts itself to the termination *iē*, while it is not so easily attached to that in *ā-* or *iā-*.

16.] *Genitive.* As in the *a* declension, so here we have vestiges of a suffix in *-s*, not in *-is*, though some grammarians would assume the existence of the latter in both. We find the forms *dies* (Enn. Ann. 401, v. Georg. i. 208 ?), *facies* (Claudius Quadrig. ap. Gell. ix. 14), *rabies* (Lucr. iv. 1083); *pernicies* (Cic.), and *luxuries* are also quoted (Corss. ii. p. 723), and *fides* is restored by Wagner, Aul. 609, but not, I think, with certainty. The short form in *ē* may be either formed by the loss of *s*, or it may be a contraction of *ei* in the locative, probably the latter.

17.] *Locative.* This case ended in *e-i*, and as in the *a* declension

became generally used for the genitive. It is contracted, as we have seen, into *-e* or *-i*, as in Hor. Od. iii. 7, 4, 'constantis iuvenem *fide*,' so Ov. Met. iii. 341, vii. 728, etc., and probably Verg. Georg. i. 208, 'Libra *die* somnique pares ubi fecerit horas.' *Dii*, in Aen. i. 636, is probably for *diei*, and so *fidi* (C. I. L. ii. 5042, of the Augustan age, '*fidi* fiduciae causa'), and the common legal phrases *plebi scitum*, *tribuni plebi*. Gellius has collected a number of other instances in the passage above referred to (N. A. ix. 14). Though this form has usually lost its locative meaning it is retained to some extent in the phrases *die quinte*, *die crastini*, *postridie*, etc.

18.] The *Dative* case undergoes very much the same modifications as the locative. The form in *e* is frequently used by Plautus. We find 'prodiderit commissa *fide*' in Horace, Sat. i. 3, 95, and *pernicie* in Livy, v. 13, 5. 'In fact,' says Gellius, l. c., 'in casu dandi qui purissime locuti sunt, non *faciei* uti nunc dicitur sed *facie* dixerunt.' The other form, *pernicii*, occurs in Corn. Nepos, viii. 2, 2, and *fami* in Plautus, Stich. 158.

19.] The form *e-d* of the *ablative* is never found, but must be inferred from analogy. The adverbs *se-*, *sed*, with the compound particle *re-*, *red-* may almost be given as instances. *Dē* for *ded* is another ablative of the same kind. These are, in fact, formed from stems SA, RA, DA (see below, ch. xiii.), and illustrate the transition from the *a* to the *e* declension. Cp. *facilumed*, and see under ablative of the *a* declension.

20.] The plural of this declension is generally wanting; another proof that it is only a subordinate form, and not a separate declension. The only two words fully declined are *dies* and *res*. Others are found only in the nominative and accusative plural, viz. *acies*, *effigies* in both; *series* (Sueton.), and *eluvies* (Curtius) in the nominative, and *glacies* in accusative (Vergil). *Spes*, as we have said, appears to have been contracted from a stem *spes-* or *sper-* (as in *spero*), and so we find the old forms *sperem* ('veteres' ap. Non.), *speres*, nominative, accusative in Ennius (Ann. 132, 410 v.), and *speribus*, dative, ablative in Varro (Sat. Men. pp. 94, 179 Riese; from Nonius). *Facies*, nominative, accusative, has *facierum* in Cato (Priscian, vii. p. 782 P.; Jordan, p. 69), and *specierum*, *speciebus* are found in the Digest. (Roby, § 341.)

CHAPTER IX.

II. The O and U Declensions.

1.] These two declensions consist chiefly of masculines and neuters, though a few feminines are found. The *u* declension is here joined with the *o*, first, because of the great similarity of their old forms, secondly, because many nouns seem to pass from one to the other. Their later forms differ chiefly in the genitive singular and in the dative and ablative plural, in both of which cases the *o* declension employs the locative.

The *o* declension, as in Greek, consists of nouns, substantive and adjective, originally with *a* stems. The pronouns are treated separately.

Paradigm of Masculine and Feminine Nouns.

	O *Declension.*		U *Declension.*	
Sing.	Old form.	Later form.	Old form.	Later form.
Nom.	O-s,	*u-s.*	U-s,	*u-s.*
Accus.	O-m,	*u-m.*	U-m, (u-em),	*u-m*, (*u-em*).
Gen.	(Only in pronominal declension).		U-os, U-is,	*ûs*, (*u-is*).
Loc.	O-e,	*eî, î.*	[U-i ?],	*î.*
Dat.	O-i, O-e,	*ô.*	U-i,	*u-i, û.*
Abl.	O-d,	*ō.*	U-d, (u-e),	*ū*, (*u-e*).
Voc.	. . . .	*ĕ.*		
Plur.				
Nom.	O-e, ê, eî (eis, es, is),	*î.*	U-s,	*u-s.*
Accus.	Ō-s,	*ōs.*	Ū-s,	*ū-s.*
Gen.	O-m, O-rom,	*u-m, o-rum.*	U-om,	*u-um, ûm.*
Loc.	O-es, eîs,	*îs.*	. . . .	. . . .
Dat. Abl.	(O-bus),	(*o-bus, i-bus*).	U-bus,	*u-bus, i-bus.*

The *neuters* in the *o* declension have nominative like accusative in *m*, in the *u* declension both are generally, but not always, suffixless.

2.] *Peculiarities of the* O *declension.* The feminines of this declension are chiefly names of trees or Greek words, especially names of jewels or towns. Some vary in different writers, e. g. *cytisus, ficus, lotus, alvus, colus.* Some vary between the *o* and *u* declension, e. g. *laurus, ficus, cupressus, quercus,* as well as *domus* (f.). All neuters, except *virus, volgus,* and *pelagus,* end in *-m* in nominative, and of these *volgus* is often masculine, and has sometimes accusative *volgum,* Attius (l. 288, Trag. Lat. Fr. Ribb.), and Lucretius.

3.] *Nominative Case.* A whole class of stems in *-ro, ero-,* drop the termination *o-s* or *u-s,* and many omit the *e,* except in the nominative and vocative singular. But *erus, numerus, umerus, uterus, juniperus* (f.), and the adjectives *properus, praeproperus, praeposterus* (*posterus* is not found, but *posterum*), *morigerus, triquetrus,* and usually *prosperus,* retain the fuller form (Roby, § 346). *Vir* and *satur* also drop the termination. *Famul* occurs twice, Enn. Ann. 317, and in an imitation, Lucret. iii. 1035: cp. Oscan 'famel' (Fest. Epit. s. v.).

The termination in *io-s* often loses the *s* in old Latin, e. g. in the inscriptions from the sepulchre of the Furii at Tusculum, *M. Fourio* (twice), and so *L. Cornelio* in the two earliest epitaphs of the Scipios. The entire final syllable is often omitted in writing, as *Corneli* (Ep. Scip. vii. C. 35), *Claudi, Valeri, Minuci* (all in S. C. Bacch.), but this beside *Marcius* and *Postumius.* From about the time of the Gracchi onward we find the contraction *īs* in the proper-names *Anavīs, Cecilīs, Clodīs, Ragonīs,* etc. (especially on the Ollae ex Vinea S. Caesarii, C. 822–1006), with parallels in the dialects, e. g. Oscan *Heírennis,* Umbrian *Koisis.* The same contraction has been noticed in Greek, where it is very common in inscriptions, but I do not know that the practice can be dated. Greek words borrowed by the Jews regularly take this form, as *Psanterîn* = ψαλτήριον, *Sanhedrîn* = συνέδριον, *Estadîn* = στάδιον. It occurs also in one word in Latin which is not a proper name, *alis, alid,* but not extensively (see under pronouns), just as in comparative *magĭs, nimĭs,* for *mag-iōs, nim-iōs.* (See especially Ritschl, De Declinatione quadam re-

conditiore, and Supplement, Bonn, 1861. Cp. Corssen, ii. p. 718. Mommsen regards these as Graecisms, Ollae ex Vinea S. Caesarii, C. I. L. i. p. 210.) The adjectival form in *-is* corresponding to one in *-ius*, e. g. *illunis*, *singularis*, beside *illunius*, *singularius*, is not so much to be considered a contraction as a separate stem.

The terminations in *-os*, *-om* of this declension (instead of *-us*, *-um*) are to be found with more or less frequency throughout the whole period of the Latin language, and so on into Italian (see instances in Corssen, ii. 103). This is particularly the case with stems ending in *-uo*, e. g. *equos*, *arduos*, *aevom*, in which this was the recognised spelling in the Augustan age and later (Quintil. i. 7, 26). In other stems the termination in *-us* became the *usual* one about 200 B.C. It is found throughout in the S. C. Bacch. (186 B.C.) and the edict of Aemilius Paulus (189 B.C.). The vowel in the termination is regularly short. There are, however, two or three instances (given below in the introduction to the Fragments of Livius) from Naevius, Punica, 25, 30, 31, 63, where the ictus is on the *us*, which has to be scanned as a long syllable. So also Ennius, Ann. 90:

'Sic expectabat *populūs* atque ora tenebat.'

And Vergil, Ecl. vi. 5; Geor. ii. 5.

4.] The *Accusative*, as in the *a* declension, often loses its final *m* both in early and late Latin; e. g. Ep. Scip. C. 32:—

'Honc *oino* ploirume cosentiont R(omai)
Duonoro *optumo* fuise *viro* (viroro),' etc.

It is almost always absent, in early inscriptions, in the word *dono(m)*, and from this perhaps the form DONO DEDIT is to be considered to have arisen, not from the dative.

5.] The *Genitive* is entirely wanting, except in the pronominal declension; for which see below.

6.] The *Locative* case-form is used for the genitive throughout, so that some persons have hesitated to call it a locative. But forms like *Corinthi*, *domi*, die *quarti*, die *crastini*, etc., are pure locatives, and cannot be dissociated from the other exactly similar forms which do duty for genitives. The form *o-i* is never found, but in old Latin one in *ei* is common, e. g. die *septimei*, *hei-ce* (*hic*); and one in *e*, as die *quinte* (Gell. x. 24, 1), and perhaps *prae-fiscine* or *prae-fiscini* (literally, 'in security

against enchantment,' *fascinum*), *peregre* or *peregri*, etc. (see Corssen, i. p. 774, foll.).

7.] The *Dative* originally ended in *o-ī*, and so we find the form *populoi Romanoi* (Mar. Vict., p. 2463 P.) and the commoner *hoi-ce* (Lex Bant., C. 197), *hoi-c* (Mar. Vict., p. 2459 P.), and *quoiei* (Ep. Scip., Lex. Rep., Lex. Agr.), *quoi*, etc. (Corssen, i. pp. 705, 6). The words *pilumnoe poploe*, quoted by Festus from a Salian hymn (p. 196, Lind.) might be either the locative-genitive, or dative singular, or nominative plural.

8.] The *Ablative*; the final *d* is retained in *Gnaivod*, *mereto*[*d*]? (Ep. Scip.), *altod*, *pucnandod* (Col. Rostr.), *oquoltod*, *poplicod*, *preivatod* (S. C. Bacch.), *moltaticod* (C. 181), *Beneventod*, on a coin (C. 19), and others; but not constantly even at this period, as we find *Samnio*, *in agro Teurano*, etc., in the same monuments. It is found also in the preposition *pro* in composition, as in *prodire*, *prodigus*, etc. The same word in some of its compounds is an instance of the shortening of the long *o* in this case, especially when followed by *f* (Corssen, ii. p. 482). We find *virŏ*, *domŏ*, *bonŏ*, *malŏ* pretty frequently in Plautus; *modŏ* and *citŏ* are generally short, and *ergŏ* since the time of Ovid (ibid.).

9.] *Nominative plural.* The only form preserved to us of this case, in which the full stem is retained, is a gloss in Paulus Fest. s. v. '*Fesceninoe* vocabantur qui depellere fascinum credebantur' (but see under the *Dative singular*). We may fairly assume that this is the oldest form yet extant. Next in order appears that in *-e*, as *ploirume* (Ep. Scip. C. 32, the most archaic of the number), closely connected with the forms in *-ei* and *-i*. The other form in *-es*, *-eis*, *-īs*, does not appear on inscriptions till about 190 B.C., V.C. 564, and continues in use about a century; as *Atilies Saranes*, C. 42, of uncertain date, but probably of the sixth century V.C., *ques* (S. C. Bacch. C. 196, 4, 24, B.C. 186), *Cavaturines*, *Dectunines*, *Vituries* (Sent. Minuc., C. 199, 40; 38, 40; 37, 42), *consc*]*riptes* (C. 532, 222–152, B.C.), etc.: *eis* (Lex Bant. C. 197, 16, 23; Lex Rep. C. 198, 26, 57, 67; Sent. Minuc. C. 199, 29), *eisdem*, CDL *vireis*, *gnateis* (Lex Rep. C. 198; 27; 14; 77, etc.), *facteis* (?) (Lex Agr. C. 200, 28), *magistreis* (C. 563, 565, 566), *Virtuleieis*, *leibereis* (tit. Soranus, C. 1175), etc.: *is* (Tab. Bant. C. 196, 17), *hisce* (S. M. C. 199, 13, C. 570, 1553 c), *filis*, *magistris*, *ministris*, etc. [See below, chap. xiii, § 34, for other pronouns.] In

the poets this form is not unknown. It was observed long ago by Priscian, xii. 26, and before him by Donatus, in Terence, Eun. 269,—

> '*Hisce* hoc munere arbitrantur
> Suam Thaidem esse,'

though rejected in that place by Bentley. Ritschl has restored it to Plautus from the MS. reading or indication in various places, e.g. Most. 510:—

> 'Perii: *illisce* hodie hanc conturbabunt, fabulam.'

Mil. 44:—

> 'Triginta *Sardis* sexaginta Macedones.'

Rud. 735:—

> 'Non possunt mihi minis tuis *hisce oculis* ecfodiri.'

And he conjectures Pers. 685:—

> 'Quid ei *nummis* volunt?' for 'quid ei *nummi* sciunt?'

(See his Excursus, reprinted in Opusc. Phil. 1868, ii. p. 646, foll.) To these we may perhaps add *alis*, Naev. Lycurg. 31, generally changed to *alii*. Lastly, we get the common classical form in *i*. Corssen, following Bopp, insists, as in the *a* declension, that these forms are to be interpreted as transitions from the *o* to the *i* and consonantal declension (i. p. 756). But this seems a needlessly bold assumption, especially when based upon such uncertain data. It seems rather as if the earliest Latin inscriptions showed a tendency in the language to drop final consonants, which another generation, some fifty years later, better skilled in literature and grammar, set to work to counteract. Nothing is more curious than the correspondence between the earliest and the quite late or vulgar inscriptions in this respect. What then is to prevent us from considering *ploirume*, *virei*, etc., as short for *ploirumes* and *vireis*, just as *Cornelio*, *Fourio* are for *Cornelios*, etc.? We are still some distance of course from the original form, and even from *Fesceninoe*. We must suppose that the original Latin form was one in *o-is* or *o-es*, with the regular plural suffix, and that this went through the various modifications described above. Corssen asserts that the change of the diphthong *oe* to *e* is not so old as would be required for this (i. p. 749), but the same change is assumed without

any difficulty for the locative singular (genitive) and plural (dative and ablative). If, as is no doubt true, there are many adjectival stems in *is* parallel to others in *o*, and these are regarded by Corssen himself as due to the weakening of the *o* (p. 758), why should we not suppose a similar weakening of the *o* without an actual change of declension?

10.] The *neuter* plural *nominative* and *accusative* in this and the other declensions has the suffix -*ā*, afterwards -*ă*. This is found in the old poets, as well as in one case (probably) in the Ep. Scip. C. 33 in Saturnians:—

'Mors pérfecít tua ut éssent *ómniá* brévia.'

In Livius Andron. (ap. Non. v. *diserte*):

'Tuqué mihí narráto *ómniá* disértim.'

In Plautus, Rud. 199 (cretics):—

'I's navem atque *ómniā* pérdidīt ín mari.' (aliter Fleck.)

Ib. 933:—

'*Oppidā* circum vectabor ubi nobilitas mea erit clara.' (But Fleck. *vectitabor*.)

Asin. 199:—

'*Ceterā* quae volumus uti Graeca mercamur fide.' (But Fleck. *quae nos*.)

And in other places.

In Terent. Ad. 612 (choriambics):—

'Membra metu *debiliā* sunt animus timore.'

Carmen vetus ap. Plin. N. H. xxxv. 10:—

'Dignis digna *locā* picturis condecoravit.'

And even in Vergil, Aen. 3. 464:

'Dona dehinc auro *graviā* sectoque elephanto.'

This long vowel is preserved in the adverbs *postillā*, *posteā*, *propterea*, *anteā*, *intereā*, etc.; and in *posthāc*, *antehāc*, *antidhāc*, *quāpropter*, as well as in the numerals *trigintā*, *quadragintā*, etc. For the change of *hā-c*, *quā* to *hai-c*, *hae-c*, etc., by the addition of *i* or *e*, see below under the pronouns. (Corssen, ii. p. 460, where see more on the general subject; compare a good paper by Professor Key, University College Dissertations, No. 1.)

11.] The *Accusative* in *ō-s* is always long, having been formed from an original *o-ns*. It may be treated as a case of compensation. Compare chapter viii. § 10.

12.] *Genitive*. The shorter form in *-om* is probably also the oldest, and it is the only one known to the dialects. It occurs exclusively on the early coins of the fifth century v.c. in the names ROMANO or ROMANOM, CORANO, COSANO, CALENO, and also in the shortened forms AISERNIM, SAFINIM, for AISERNIOM, SAFINIOM; the latter on Samnite coins. We have, however, *olorom* (Col. Rostr.) and *duonoro* on the most archaic Scipio epitaph. Though this came in generally in the time of Cicero, the short form remained always in use in certain words; e. g. *duum*, (*trium*), *nummum*, *sestertium*, *deum*, *divom*, *superum*, *inferum*, *virum*, *fabrum*, *Achivum*, *extum*, etc. It is rarer in adjectives; but we find in Ennius, Alexander (81. v) '*meum factum* pudet;' in Plautus 'centum *doctum* hominum consilia,' etc.; and in Vergil '*magnanimum* generator equorum.' It appears as an archaism in inscriptions in *sorom* (C. 588, c. v. c. 673?), *socium* (S. C. Bacch. 7), *eum* (Lex. Jul. Mun. C. 206, 52). Compare the old formulae 'matrimonium *liberum quaesundum* causa,' and '*procum patricium*,' Fest. s. v.

13.] *Locative*. This form no doubt ended in *o-is*, and we have one instance in a dialectical inscription of *suois cnatois* = suis gnatis (C. 194). But the oldest pure Latin instances we have recorded are in *o-es*, *oloes* = illis, and *privicloes* = privis or priviculis (both in Festus). We do not, however, find this on inscriptions, but weaker endings in *-eis*, *-es*, and *-îs*, similar to those of the nominative. The latter ending begins to be employed about 150 B.C., and becomes almost exclusively used after the time of Augustus. The form in *-es* is rare, but it appears again in late Latin (Schuchardt, V. L. ii. 82). This is a pure locative in such cases as *Puteolis*, *his* diebus, *illis locis*.

14.] The *Dative* and *Ablative*. The regular termination in *o-bus* is found ordinarily only in *ambobus*, *duobus*; but we find some curious forms in *-ibus* both in early and late Latin. *Pannibus*, from the stem *panno*, is quoted from Ennius (in Protreptico ap. Vahl. p. 165), and *generibus* from *gener* from Attius (Alcmene ap. Ribb. F. T. L. p. 121). *Dectuninebus* is found in the Sententia Minuciorum, l. 39 (C. 199), probably from

a stem *Dectunino.* In late Latin we get also *ĭbus*, *hībus*, *Dībus* = Deis (e.g. C. ii. 325, 4496), *amicibus* (Orell. I. L. 4681), *filibus* (Grut. 553, 8), *suibus* = suis, etc. *Diaconibus* (with other cases)[1] is a frequent ecclesiastical form, occurring, for instance, in St. Paul, Ep. ad Philipp. i. 1, 'cum presbyteris et diaconibus,' in both Itala and Vulgate. See other instances in Rönsch, Itala und Vulgata, p. 262. This form may be either treated as an imitation of another declension, or as an old form. If treated as an imitation, it may just as well, or even better, be of the *-u* as of the *-i* declension, since parallel transitions from *-u* to *-o* are very frequent. But it cannot be proved that it is not an old form. The weakening of the vowel from *ō* to *ĭ* appears in the stem *homōn-*, *homōnis*, later *homĭnis*, and so *Apollĭnis* = Ἀπόλλωνος.

15.] *Peculiarities of the* U *declension.* All words of this declension are substantives, except perhaps compounds of *manus*, which are generally defective, except in nominative and accusative singular. *Anguimanūs*, accusative plural, is found twice in Lucretius. The corresponding adjectives in Greek in υ-ς end in *vi-s* in Latin, as *sua(d)vi-s* = ἡδύ-ς, *le(g)vis* = ἐλαχύ-ς. Most of these substantives are masculines in *u-s*, and neuters with the naked stem, as *cornu*. A few are feminine, such as *colus, domus, idus* (pl.), *manus, porticus, quinquatrus* (pl.); and names of women (*anus*, etc.) and trees. *Acus* = a horned fish, is masculine, and = a needle, feminine. *Penus* is masculine and feminine, with neuters *penum* (*-i*), *penus* (*-oris*), and *penu*. *Artus* has two plurals, *artus* and *artu-a*. We find also *ossua* in inscriptions. The neuters *cornu, veru, testu*, have also the form *cornum, verum, testum*. In the few monosyllables of this declension, generally classed as consonantal, the longer form of case suffixes is retained throughout, as in *gru-s, su-s, bōs* (for *bov-s*, and contracted in plural), *Iov-is*. Otherwise the contracted form is general in classical Latin.

16.] *Genitive singular.* The oldest form preserved is in *-os* (originally *-as*), viz. *Senatu-os*, three times in S. C. Bacch., *zenatuo* (Inscr. Fal.), *magistratu-os* (I. N. 3901), *domu-os* (Suet. August. 87 (?), cp. Ritschl, De tit. Aletrinat.). This becomes later *-us*,

[1] These may of course be from a nominative *Diacon*, and so Quicherat, Add. Lex. Lat., who quotes *Diacone* from St. Gregory, Ep. 3, 34.

as *domu-us*, *exercitu-us*, *concentu-us* (Inscr. ap. Grut. et Orell.), and in MSS. of Pliny, *senatu-us*, *partu-us*, *cornu-us*, and is perhaps to be considered merely as a doubling to express the long *ū* (see above, ch. ii.). An earlier and a more common weakening of the vowel is to *-is*, in Plautus, Terence, Sisenna, Varro, and Nigidius (see especially Gell. iv. 16). E. g. Plaut. Amphit. 1061:—

'Ita eraé meae hodie cóntigit: nam ubi *pártuis* deos sibi ínvocat.'
(Fleck. but *parturit* MSS.)

Ter. Haut. 287:—

'Eius *anuis* causa opinor quae est emortua.'

And Id. Hec. 735:—

'Ne nomen mi obstet *quaestuis*: nam mores facile tutor.'
(Fleck. but *quaestus* obstet MSS. *quaesti* obsiet Wagn. al. Umpf.)

The older dramatists appear not to have the contracted form in *-us*, but they use generally the form in *-i*.

17.] The *Locative*. A form in *-i*, with genitive sense, is frequent in many words of this declension, from the time of Plautus and Ennius, in whom we find *victi*, *gemiti*, *quaesti*, *porti*, *arci*, *senati*, etc., etc. It is, in fact, decidedly the prevailing genitive in this declension in the older dramatists. In inscriptions it occurs from about 150 B.C., especially in *senati*, which is also found sometimes in Cicero and Sallust, particularly in the form *senati-consultum* (see Cic. Philip. iii. 38, and King's note), so also *laci* (C. 584), [*magistrati*, sometimes quoted, is a nominative. Kalendar, Dec. 31, C. I. L. i. p. 356].

This form is most probably borrowed from the *-o* declension, as is the genitive plural in *o-rum*. There are, however, probable instances in which *ui* is contracted to *i*, e. g. *fio* from *fuio*, *cliens* from *clu-ie-ns* (Corss. ii. p. 739), which might be quoted in defence of the treatment of this form as a contraction; and in one inscription, the Titulus Aletrinas, C. 1166, we actually find a phrase *senatu sententia*, which Ritschl takes to be a contraction of *senatui*, though interpreting it not as a locative, but as a transition from genitive *senatuis* to *senati*.

18.] *Dative*. The ending *u-i* is frequently contracted to *u*, especially in the Poets. Gellius (iv. 16) quotes *victu*, *anu* (Lucil.),

and *aspectu*, *concubitu* from Vergil. Caesar, who was evidently fond of contractions, contended in his book De Analogia, that this was the more correct form.

19.] *Ablative*. *Magistratud* occurs S. C. Bacch., and *castud* on the lamella Bononiensis (P. L. Supp. II, p. 12). In one or two cases we have *u-u* for *ū*, *pequlatuu*, *arbitratuu*, etc. The form *u-e* is retained in the monosyllables, *grue, sue, bove*.

20.] *Nominative plural u-us* is occasionally found, but this is perhaps only a doubling of the vowel to express the length; compare the genitive and ablative singular.

21.] *Genitive*. The form *u-om* or *u-um* is rarely contracted to *ûm*; *passum* is found in Plautus, Lucilius, and Martial (ii. 5, 3). Vergil has 'quae gratia *currum*' (Aen. vi. 653); *exercitum* is found in Mon. Ancyran., and *magistratûm*, *passûm*, *dûmviri* occur in the Veronese palimpsest of Livy.

Many words form their *genitive* and *locative* (one or both) in *-orum* and *-is*, thereby transferring themselves to the *-o* declension, e.g. *cornorum*, *domorum*, *quercorum*, *versorum* (Laber.), *versis* (Valer.), *ficorum*, *ficis*, *lauris*, *pinis*, *myrtis*, etc.

22. *Dative* and *Ablative*. The termination is in *u-bus*, which is generally weakened to *i-bus*. The older form is retained throughout in *acubus*, *arcubus*, *artubus*, *lacubus*, *partubus*, *quercubus*, *specubus*, *tribubus*, and in some other words both are found.

CHAPTER X.

III. THE *I* AND CONSONANTAL DECLENSIONS.

1.] THESE declensions cannot in practice be easily separated. The following Paradigm will show how closely they are connected.

	I *Declension.*		*Consonantal.*	
Sing.	Old form.	Later.	Old form.	Later.
Nom.	I-s, E-s, -s, -r, -l,	the same.	-s, or suffixless,	the same.
Acc.	I-m,	*i-m, e-m.*	-em,	*-em.*
Gen.	I-s,	*i-s.*	-es, -is, -us,	*-is.*
Loc.	I,	*i, ĕ.*	-i,	*-i, ĕ.*
Dat.	I (eî, ē),	*î,* (ĕ).	-ei, -î, -ê,	*-ī,* (*e*).
Abl.	I-d, eî,	*î, ĕ.*	-īd, -ē, -ī,	*-ĕ.*
Plur.				
Nom. Acc.	E-is, E-s, I-s,	*es,* (*is*).	-eîs, -is, -es,	*-es.*
Gen.	I-om,	*i-um,* (*ûm*).	-om,	*-um.*
Loc.	. . . . .	. . . .	. . . . . .	. .
Dat. Abl.	I-bus,	*i-bus.*	-ebus, -ibus,	*-ibus.*

These paradigms are for masculine and feminine nouns. Neuters of I stems are generally suffixless, as *praesepe*, *triste*, and so of consonantal, *genus*, *vetus*, *animal*, *lac*, *cor*. Adjectival stems ending in *c* are, however, exceptions and present participles, as *audax*, *felix*, *ferens*.

2.] The *i*- stems represent original *i* stems in comparatively few instances; such are, however, *igni-s*, Sanskrit *agni-*; *poti-s*, Sanskrit *páti*, Greek πότι-ς, πόσι-ς; *angui-s*, Sanskrit *ahi*, Greek ἔχι; *turri-s*, Greek τύρσι-ς; *ovi-s*, Sanskrit *avi-s*, ὄϝι-ς. Far more are weakened forms of stems in *-a*, *-o*, *-u*. The number of parallel stems in *i* and *o* is large, e. g. *imberbis* and *imberbus*, *exanimis*, and *exanimus*, *inermis* and *inermus*, etc., etc. As to

the distinction between *i* and consonantal stems, the nominative is not a sufficient guide. Thus *mens*, *felix*, etc., etc., are *i* stems = menti-s, felici-s, and *lapis*, *canis*, *iuvenis*, etc., are consonantal, = lapid-s, can-s, iuven-s, etc. The genitive plural is the only test, and even that in *i* stems is often contracted.

The *genders* of nouns in this declension are very uncertain.

Peculiarities of the I *and Consonantal Declensions*[1].

3.] *Nominative singular.* (1.) *In* I *stems.*—The stem vowel is frequently changed to *e* in this as well as in some of the oblique cases, and sometimes one, sometimes the other, has become the classical form. Neuters with the naked stem almost always change it to *e*, though *sinapi* is an exception, so *triste* beside *tristi-s*, and all other adjectives.

Other instances are—

aidile-s, C. 31 (v. c. 497) and 187.
ape-s, Probus, ii. 1, 49, as if = ἄ-πους.
cive-s.
clave-s.
valle-s, Caes. B. G., Verg. Aen. xi. 522.

Cp. *cane-s*, Enn. and Lucil. ap. Varr. L. L. vii. 33; Plautus.

On the other hand, forms in *i* are sometimes found in the place of common ones in *e*.

aedi-s, especially in the sense of 'temple' in old writers (Charis.), and Lex Julia Municip. l. 30 (C. 206).
nubi-s, Plaut. Merc. v. 2, 38 (but Ritschl treats it as a genitive); *nubs*, Liv. Andron.
caedi-s.
cladi-s.
fami-s, Varro, R. R. ii. 5, 15.
rupi-s.
vulpi-s, Avienus.

And others are found in late and vulgar Latin (Schuchardt, i. 244, ii. 43).

4.] Besides this there are other peculiarities in the formation

[1] I have borrowed a good deal of the material for the following lists of *-i* and consonantal stems from Mr. Roby's New Grammar, §§ 405–460, but have arranged it differently and more concisely.

of the nominative. These may be classed under four heads, according to their formation with—

(1.) *Full stem with suffix.*

(2.) *Elided stem with suffix.*

(3.) *Full stem without suffix.*

(4.) *Elided stem without suffix.*

(1.) *Full stem with suffix.*

There are stems ending in *-gi, -gui, -hi*; *-ni*; *-li*; *-si, -ri*; but some of these are contracted or elided.

(*a*) Stems in *-gi, -gui, -hi.*

All these retain *i* or *e*, as *strage-s, jugi-s, angui-s, vehe-s.*

(*b*) Stems in *-ni.*

All retain the *i*, and none change it to *e*, except in the neuter, e.g. *mane, immune.*

(*c*) Stems in *-li.*

All retain *i* or *e* except neuters in *-āle* (*-ali*), which often drop the vowel and shorten the termination to *-ăl*, so *animăl, Bacchanăl*, but *focāle, penetrāle.* We find, however, *ager vectigal* for *vectigalis.* Sent. Minuc. C. 199, 6.

(*d*) Stems in *-si.*

All retain *i* (none having *e*) except *as, mas, mus, glis. Plus* is contracted for *ple-ios*; see below under the comparison of adjectives.

(*e*) Stems in *-ri* (with exceptions under 4).

(2.) *Elided stem with suffix.*

(*a*) The exceptions noticed above.

(*b*) Stems in *-ti, -di* generally elide both vowel and dental.

Stems in *-ti.*

All present participles and adjectives of similar form, as *elegans, ingens*, etc. [These are originally consonantal, but have become *i* stems. See under *genitive plural.*]

Other stems in *-ti*, with exceptions in brackets.

Compos (but *potis*); *intercus* (but *cuti-s*); *hebĕs, anceps*, etc. *Arpinās, nostrās* (but *crati-s, vate-s*); *cōs, dōs*; *locuplēs, tapēs*; *līs* for *stlis, dīs*, for *divit-s*; *Quirīs* (but *miti-s, viti-s*, fem.); *nox, lac* (but *vecti-s*); *mens, fons, frons, dens*, etc.; *puls*; *Mars, sors, fors* (but *forti-s*).

(Stems in *-sti* do not suffer elision, as *hosti-s, tristi-s*, etc.)

Stems in -*di*.

Fraus (but *rudi-s*, *sude-s*); *frons, glans, juglans, libripens* (but *grandi-s*); *excors,* etc.

(*Fide-s*, a harp-string; *viridi-s*; *clade-s, aede-s, caede-s, sede-s, enodi-s* are uncontracted.)

(3.) *Full stem without suffix.*

Neuters generally, as *caput*, *triste*, with exceptions of present participles and stems in -*ci*, as *felix*.

(4.) *Elided stem without suffix.*

Stems in -*ări*, -*ĕri* often drop the termination, as *Arar*, *pār* (but *hilari-s*, *mare*, *bimar-is*); *celer*, *acer*, *volucer, puter* (but *celeri-s*, *acri-s*, *volucri-s*, *putri-s*, *Tiberi-s*, *Veseri-s*). *Memor* is also elided.

Neuter substantives in -*āre* are like those in -*āle,* the two terminations being originally the same. So *calcăr*, *exemplar, lacunar*, but *alveare.*

5.] II. *Consonantal Stems.*

These also may be classed under the same heads. It will be observed that they are open to fewer exceptions than the *I* stems.

(1.) *Full stem with suffix.*

(*a*) Stems ending in a *guttural,* as *arx*, *lex*.

Alec being neuter is no exception. *Alex* is feminine.

(*b*) Stems ending in a *labial*, as *daps, caelebs.* Sometimes *p* is inserted as a fulcrum, e. g. *hiemps.* There are no exceptions.

(2.) *Elided stem with suffix.*

(*a*) Stems ending in a dental retain the suffix but drop the dental.

Anas, *comes*, *civitas, damnas* (=damnatus), *salus*; *obses, custos, laus.* Some monosyllables lengthen the vowel in compensation, *pēs*, *pĕd-is*, *vās*, *văd-is*; but *comĕs*, etc. Horace seems once to venture on *palŭs*, A. P. 66.

Neuters of this class however are, like neuters in general, suffixless, as *caput*, *occiput*, etc., and *cor*.

(*b*) Stems ending in *r* are classed under the *u* declension, but might be placed here.

(3.) *Full stems without suffix.*

(*a*) Stems ending in *-n*.

These are generally neuter and suffixless, as *agmen*, *carmen*, except one or two which insert an *i*, as *can-(i)s*, *iuven-(i)s*; and *sangui-s*, *polli-s* for *sanguin-s*, *pollin-s*, but neut. *pollen*. Stems in *-on* come under the next head.

(*b*) Stems in *-l*, *-r*, *-s*.

All these are suffixless, and use the simple stem, except some neuters, which change *-es* into *-us*, *-or* into *-ur*, *-os* into *-us*.

(4.) *Elided stems without suffix.*

Stems in *-ŏn* and *-ōn* drop the *n*, and turn *ŏ* to *ĭ* in oblique cases.

As *turbo*, *origo*, *ordo*; *sermo*, *regio*, *oratio*. *Homo* has in the old language a stem *homōn*, *homōn-is*, etc., which, in later Latin, is changed to *homŏ*, *homĭnis*. *Carō(n)*, in like manner, is contracted to *carn*, and becomes an *-i* stem, *carni-s*, *carni-um*. The short *ŏ* in *origŏn-*, *ordŏn-* is always changed to *ĭ* in oblique cases.

6.] *The Accusative.* In both declensions this case ends in *-em*, with a few exceptions in the *i* declension. The following always make accusative in *-im*, and ablative in *-i*:—

amussis,	*cucumis*.
būris,	*sitis*, and the names of rivers, *Tiberis*, *Albis*, etc.
ravis,	*vis*, and Greek names making accus. in *-ιν* or *-ιδα*.
tussis.	

The following *generally* have accusatives in *-im*:—

febris,	*puppis*,	*securis*.
pelvis,	*restis*,	*turris*.

Others *occasionally*:—

clavis,	*navis*,	*sementis*,	[*pars*].

(Schweizer Sidler, p. 29.)

7.] *The Genitive.* The ending *-es* is rare and archaic, as in the names *Salutes*, on a patera, and *Apolones*, on a dedicatory tablet (C. 49, 187). This agrees with the Sabellian and Umbrian forms, the first in *-es*, as in the inscription from Rapino, IIOVIIS PATRIIS (Fabretti, No. 2741), the second in *-er*, *nomn-er*, *far-er* = farris, *ocre-r*, etc. (Tab. Eugub.). The common form in *-is* is,

however, early, e. g. Ep. Scip. *flaminis*, *patris*, and [*prai*]*toris* (C. 188), etc.

A third form in *-us* is found in inscriptions beginning with S. C. Bacch. B. C. 186, down to about the Christian era, e. g. *homin-us*, *patr-us*, *praevarication-us*, *Honor-us*, *Cerer-us*, *Castor-us*, *Vener-us*, *Caesar-us*, all in C. I. L. i. The last is from the Glandes Perusinae, used in the siege of Perugia, B.C. 40. *Aerus* and *Gorgonus*, in the graffiti of Pompeii, cannot be later than 79 A.D. (C. I. L. iv. 2440, 2089). We have one instance in an *i* stem in *partu-s* (Tab. Bant. C. 197, 12, 133–118 B.C.). This form leads us to infer the previous existence of one in *-os*, just as in the *-u* declension in *senatu-os*, *domu-os*, and answering to the Greek -ος.

8.] *The Locative.* The short *ĭ* in this case becomes *ī* in Latin, and sometimes *e*, e. g. *Carthagini* and *Carthagine*, *Tiburi*, *Anxuri*, *ruri*, and *rure*. As the ablative has both forms in *ī* and *e*, it was easily confused with the locative, so that the two cases often cannot be distinguished, e. g. in *luci*, *vesperi*, for which see under the ablative. The same case appears in Oscan, as *-eí*, *ei*, *comonei*, *Frentreí*, and in other stems *thesaurei*, *Ladinei*, or *Larinei* (LADINEI, if this is to be considered Oscan, C. 24), etc.

9.] *The Dative* appears in the oldest inscriptions in *-ei*, in consonantal or quasi-consonantal stems, *Apolenei* (Tit. Pisaur.), *Junonei* Loucina (C. 189), *virtutei* (Ep. Scip. C. 30), *Hercolei* (B.C. 217, C. 1503), *Martei* (B.C. 211, C. 531), and again in *-ē*, *Apolone* (Tit. Calen.), *Junone* (Lamella Bonon. and Tit. Pisaur.), *Matre* (Tit. Pisaur.), Erine *Patre* (ex Marsis, C. 182), *Maurte* (Sep. Fur.), *Marte* (Lamina Tiburt. twice), etc. Both the same forms occur in later inscriptions from the time of the Gracchi onward, though that in *-ei* is considerably the most prevalent of the two, but that in *e* is retained in the legal formulae '*iure dicundo*,' '*lex opere faciundo*,' '*solvendo aere alieno*,' '*aere flando* v. *feriundo*.' In Cic. de Leg. ii. 22, 55, *Lare* is a dative. See quotation in note on XII. Tab. x. 5. Vergil *seems* to use a dative in *-ĕ* in several instances :—

> 'At si virgineum suffuderit *ore* ruborem
> Ventus erit.' Geor. i. 430.

And

> 'Concurrunt ; haeret *pede* pes densusque viro vir.'
> Aen. x. 361.

So '*mucrone* induat,' ib. 681, and '*corpore* inhaeret,' ib. 845. These are capable of another explanation, as peculiar uses of the ablative, though such a dative is in Vergil's archaic style.

'There is no instance,' says Corssen (i. 730), 'of a pure well-preserved *i* stem with dative in *-ei* or *-e*, though we find *fraudei*, *urbei*.' If correct this shows that the rule of Lucilius, to write always *mendacei furei* in this case, was not adhered to. In fact, though there is no doubt that *-ei* was the oldest Latin suffix, we do not find the dative of *pure i* stems, except in *-i*, as *ceiri*.

In late and vulgar Latin, in both stems, the dative is weakened to *e*, as *felice* (Or. II. 6523, A.D. 224), *bene merente* (de Rossi, I. C. 186, A.D. 366), *aere* (Or. II. 6416, A.D. 395), and others (Corss. ii. 242).

10.] *The Ablative*. This case ended in both stems, in the oldest documents which we possess, in *-īd*, from an original suffix *-āt*. Thus we have *airid* (Tit. Lanuv. C. 61), *marid* (Col. Rostr. twice), *conventionid* (S. C. Bacch.), *nominid*? (C. 193), and the adverbs *antid-* (ante) and *postid-* (post), in *antid-hac*, *postid-ea*, etc. In both also this was probably weakened to *-ēd*, as *dictatored*, *navaled*, (*opsidioned*, *praesented*), though we have no better authority for these forms than the Columna Rostrata.

The next step is to long *ē*, as in

Ep. Scip. i:—

'Gnaivód *patré* prognátus fórtis vír sapiénsque.'

And so *aire moltaticod* (C. 118), *tempestate* (Tit. Hispan. Aemilii, B.C. 189), *aetate* (Ep. Scip. v.).

The same quantity is preserved in some of the old poets, e.g.

Naev. Pun. v. 3, Vahl.:—

'Sacra ín mensá Penátium *órdinē* ponúntur.'

And Plautus, Capt. 807:—

'Túm pistores scrófipasci quí alunt *furfurē* sues.'
(So MSS. acc. to Pareus, but Fleck. Brix. *furfuri*.)

Stich. 71 (but not Ritschl or Fleckeisen):—

'Grátiam a *patré* si petimus spéro ab eo impetrássere.'

And others; e.g. *pumicē*, Pers. 41, *parietē*, Cas. i. 52, both altered by Ritschl.

From about 150 B.C. onwards, we find *consonantal stems* ending in *ei* and *ī*, the first rarely, the second more frequently.

Ep. Scip. C. 34:—

'Is hic situs qui nunquam victus est *virtutei*.'

And *faenisicei* (Sentent. Minuc. B.C. 117), [*salutei*, C. 587, quoted here by Corssen, is a dative, 'quei sibei *salutei* fuit'].

The following are instances of *ī* in consonantal stems. *Lucī* is frequently so used in Plautus, '*lucī*' (Amph. 165), 'cum *lucī*' (Stich. 364), '*lucī* claro' (Aul. 741, Wagner ex Nonio; aliter MSS.), etc., and Ter. Ad. 841, 'cum primo *luci* ibo hinc[1].' It is also found in Lucret. iv. 235, 'in *lucī*,' and once in classical prose in Cic. Philip. xii. 25, as well as in Varro's Bimarcus (ap. Non. p. 108, Riese). It is also used three times in the Bantine Table (133–118 B.C., C. 197. 5, 17, 24), *luuci* and 'palam *luci*,' and so restored in Col. Rostr. 3, *l(uci palam)*, cp. XII. Tab. viii. 13. Other instances from inscriptions are *sanctioni* (Lex. Repetund. c. 123 B.C.), *deditioni*, *hereditati*, *heredive* (Lex Agrar. B.C. 111), *proportioni* (Lex Jul. Municip. B.C. 45).

The form *vesperi* is found in Plautus, Terence, and Cicero, though it may be sometimes, as well as *luci*, a locative. Lucretius has the ablatives *lapidī* (i. 884), *mucronī* (ii. 520), and *rationī* (vi. 66), and in Greek words *tripodi*, *Cilici*, *Heliconi*. *Arbori*, in Leg. Reg. ii., is a doubtful case; and so is *honori*, in Verg. Aen. iii. 484.

In this period, however (since 150 B.C.), the form in -*ĕ* is much the most prevalent, and in the Augustan age becomes all but universal.

The ablative in *i* stems has gone through much the same changes. We find *fontei* (Sent. Minuc.), *omnei* (Lex Rubr. B.C. 49), *partei* (Lex Jul. Mun. B.C. 45), and perhaps in Enn. Ann. 420 (though not in MSS., which have *montis* and *monte*):—

'Tum cava sub *montei* late specus intus patebat.'

As to the termination *ī* in *i stems*, the following is the general rule for classical times,—'Adjectives in -*is*, and most adjectives with an elided stem or termination, including participles when

[1] It is to be observed that *lux*, in this archaic form, is often masculine; an instance of the uncertainty of Latin genders.

used adjectivally, have *ī* in the ablative, e g. *tristi*, *procaci*, *celeri*, *eloquenti*. Most substantives and participles have *-ĕ*. Neuters with the nominative terminating in *e*, *l*, *r* have *ī* in ablative, as *mari*, *animali*, *exemplari*. There are, however, a number of masculine and feminine substantives which, in classical authors, make the ablative in *ī*, there are those that make the *accusative* in *-im* (q. v.), with the addition of *bipenni*, and others which vary in different authors, e. g. in inscriptions we find *parti* (Lex Rep. c. B.C. 123), *sorti*, *praesenti* (Lex Agr. B.C. 111), *Genuati* (Sent. Minuc. B.C. 117).'

In Lucretius, again, we have *bili*, *colli*, *fini*, *igni*, *imbri*, *navi*, *orbi*, *parti*, *pelli*, *sordi*, *tussi* (Munro, note on i. 978), and the list might be much enlarged, especially from early authors. In late and vulgar Latin all the ablatives are weakened to *ĕ*, even in adjectives. Thus we get from Pompeii, *Martiale*, *Sextile*, *sodale*, *Vestale* (C. I. L. iv. Index, p. 257 c). Mommsen has given a number of similar instances from the *tabulae honestae missionis* of imperial times (Corss. ii. 241).

11.] *Nominative plural.* The original suffix *-ăs*, Latin *-ĕs*, has become *-ēs*, in both consonantal and *i* stems. In the latter *-ĕs* seems to have been added to the stem, *i-ĕs* becoming *ēs*, *īs*, and *eis*, as *essem*, *sim*, and even *seit* (but on a very corrupt monument, C. 603), compared with *siem* (Corss. i. 748). This has very probably been transferred to consonantal stems, else it is difficult to account in them for *-ēs* instead of *-ĕs*, which is the Greek prosody. The form in *-eis* is rare; *-ēs* is far the commonest, but *-īs* seems to have been also common in the time of Varro (L. L. viii. 66), and is frequent in MSS. of some of the poets, especially, we are told, Plautus, Varro, and Vergil (Corss. i. 747).

The *neuter* plural of participial stems in *-nt* sometimes ended in the old language in *nt-a*, not *nti-a*, e. g. *silenta* (Laev. ap. Gell. xix. 7, 7), unless this is from a parallel stem in *ento-*, like *pestilento*. Cp. § 2, p. 63.

12.] *Accusative.* This case ended in old Latin, in *i stems*, in *-eis*, *-īs*, and *-ēs*. We find all three side by side in documents from the time of the Gracchi. Curiously enough none are found in the earlier monuments, except in the Col. Rostr., which, however, is fair enough evidence that the same confusion existed earlier.

It has *claseis, Cartaciniensis*, and *clases, navales*. In other documents we find *omneis, omnis, omnes; civeis, ceires; fineis, finis; turreis, turris; Aprilis, Apriles*, etc., etc.

In *consonantal stems*, on the contrary, the ending *-ēs* is from the earliest times the regular one, though there are exceptions recorded by the grammarians, especially in comparatives, in which *-eis* was used.

Later on both became without distinction *-es*.

These seem to have arisen out of the same suffix *-ans* becoming *-ens* in Latin as usual, and coalescing with the stem vowel in *i stems*, and becoming in turn * *i-ens*, * *î-ns*, *-îs*, *-eis*, *-ês* in that declension, but generally only *-ês* in consonantal. (See Corss. i. pp. 738–746.)

13.] The *Genitive* is formed regularly in *i-om* and *i-um* in *i* stems, and in *-om*, *-um* in consonantal. But many *i* stems become consonantal, and lose the *i* in genitive plural. Corssen asks the question, 'How is it that the genitive in *i-um* appears as the regular termination of participial stems, which are properly consonantal?' That they are originally consonantal appears both from parallels in other languages, e. g. Greek φερόντ-ων, and from the old genitives *rudentum, parentum, precantum*, etc., in the early dramatic poets, as well as the dactylic. His theory is that the use of the *i* stem in these words is an extension of the feminine stem to other genders (ii. 691, 692), just as has been the case, to a certain extent, in the feminine stems in *tric-*, e. g. *victricia*.

The later suffix in *-rum* was introduced into the consonantal declension in a few words, but does not, I believe, occur in inscriptions; these are *bov-e-rum, Jov-e-rum* (Varro, L. L. viii. 74), *nuc-e-rum, reg-e-rum, lapid-e-rum* (Charis. i. p. 54, Keil). The *e* is of course only euphonic.

14.] The *Locative plural* in this declension is altogether wanting.

15.] The *Dative* and *Ablative* in *i-bus*, *-ibus* are generally very constant. It would seem, however, that some few *i* stems carried the confusion of *i* and *e* observed in the nominative into this case. We find *tempestate-bus* (Ep. Scip. C. 32), and *nave-bos, nave-bous* (Col. Rostr.). The same confusion is found pretty frequently in *late* inscriptions. In consonantal stems we

have one instance of the omission of *i* in the suffix in *senator-bus* (S. C. Bacch.), though *senator-ibus* occurs in the same decree (Corss. ii. 329).

The termination *-bus*, from original *-bhyams* or *-bhyās*, was long in the ancient poets, just as *no-bīs*, *vo-bīs* always are. (See Corss. ii. 498.)

E. g. Naev. Pun. v. 8, Vahl. :—

'Noctú Troiád exíbant *cápitibús* apértis.'

Plaut. Aul. 376 :—

'Ita illís inpuris *ómnibūs* adii manum.'

Rud. 975 :—

'Máre quidem commúne certost *ómnibūs* : : Adséntio.'

Men. 842 :—

'Út ego illic oculós exuram *lámpadibūs* ardéntibus.'

And a good many others certain or probable, Merc. 919, *omnibūs* (aliter Ritschl); Amph. 700, 1080, *aedibūs* (doubtful); Most. 402, *aedibūs* (doubtful), etc.

Titin. 45, ap. Rib. Com. (So MSS. but not Ribbeck's text) :—

'Párasitos amóvi lenonem *aédibūs* abstérrui.'

So perhaps the variation *navebous*, on the Col. Rostr. We find this archaism once imitated by Vergil,

Aen. iv. 64 :—

'*Pectoribūs* inhians spirantia consulit exta.'

The necessities, however, of dactylic verse, and the influence of the accent, soon shortened this termination. We find, e. g. in

Ennius, Ann. 86 :—

'*Omnibŭs* cura viris uter esset induperator.'

Ib. 89 :—

'Quam mox emittat pictis e *faucibŭs* currus.'

And '*navibŭs* pulcris,' ib. 145, '*fulgentibŭs* aptum,' 162, 'cum *ingentibŭs* signis,' 218, 'de *cautibŭs* celsis,' 402, with many other examples.

CHAPTER XI.

Comparison of Adjectives.

1.] The comparison of adjectives is really only a part of the general subject of composition. The suffixes which are used in this process are different in no essential way from other suffixes, and are not, as will be seen, confined to adjectives. Nevertheless the wide and regular use of particular suffixes for this purpose, and the general practice of grammarians, make it desirable to give an account of them here.

It will be noticed that, though the same suffixes are used for other classes of words, they are specially applied to express *number* and *place*, when not exactly comparatives in the ordinary sense, e. g. in *quinquiens*, *quintus ; primus, ultimus ; dexter*, *sinister ; exterus*, *exterior ; intra*, *contra*, *supra ; tenus*, *protenus*, etc., etc.

2.] In the formation of the *comparative* stem, or of the first degree of comparison, two suffixes, alone or together, are employed, the first, perhaps, originally **-yant*, becoming generally in Latin *-ios* or *-ior*, and the second ** -tara,* becoming in Latin *-tero.*

3.] *Suffix* -YANT, -YANS, or -IANS.

Of the forms of this suffix in Latin, Corssen gives the following table (ii. p. 42):—

Orig.	*-ians.*	Lat.	*-iōs,*	*-iēns, -iēs.*
Skr.	*-ījas, -ījāns.*		*-ius, -iōr,*	*-es.*
			-us, -or,	*-is.*
			Oscan,	*-is.*

It will be seen from this that not only the masculine and neuter of adjectives, but that adverbs in *-iens*, *-ies,* etc., are formed with the same suffix.

The oldest Latin form was made by the addition of *-iōs* to

the stem, omitting the vowel in vocalic stems, for both masculine, feminine, and neuter: the *n* is lost here, as always in the accusative plural, though often retained in the parallel adverbial form in *-iens*.

In classical Latin the *s* was split into two sounds, *s* and *r*, for the purpose of denotation of gender, though we have sufficient evidence that the termination was originally the same. Such are the forms *melios* and *meliosem*, quoted by Varro (L. L. vii. 26, 27) from the Salian hymn, and *meliosibus, maiosibus* by Festus (Paul. R. pro S. p. 164 L., etc.). The forms MAIO, MINO, found as proper names in the Praenestine sepulchres, of uncertain but very early date, belong probably to a time when the masculine and feminine ended in *s*, e.g. C. 78 *m*—

MINO . ANIA . C . F = *Mino(s) An(n)ia.*

Cf. ib. 136:—

MAIO . ORCEVIA . M . F.

And others (Nos. 97 add., 161; 108, 159 add., 163). On the other hand, we find in the fragments of old Roman historians *prior* and *posterior* used in the neuter, e.g. in Claudius Quadrigarius (Peter, Fr. Hist. p. 230), 'ubi decreverunt, commemorante Graccho, *foedus prior* Pompeianum non esse servatum,' and '*prior bellum*' (ib. p. 231); and so '*senatus consultum prior*' (Val. Antias, ib. p. 244); and '*Bellum Punicum posterior*' (Cassius Hemina, ib. p. 105); all, however, quoted by Priscian in one place (vii. 69, p. 767 P), who says, 'vetustissimi etiam neutrum in *or* finiebant, et erat eadem terminatio communis trium generum.'

4.] The termination was of course long in old Latin, and so we find it occasionally in Plautus; see Ritschl. Proleg. Trin. clxxv. ed. 1848. E.g. Amphit. 548:—

'Atque quanto nóx fuisti *lóngiōr* hac próxuma.'

Bacch. 123:—

'I, *stúltiōr* es bárbaro Potício.'

Capt. 782, *auctiōr*, Epid. iii. 2. 35, *vorsutiōr*, and so the neuter, Menaech. 327:—

'Proin tú ne quo abeas *lóngiūs* ab aédibus.'

[Sic MSS. aliter Ritschl.]

Comparatives are rare in the fragments of Ennius, and there are, I think, none to decide his practice, either way, except the well-known 'sed *magi* ferro.'

5.] The irregularities in the use of this suffix are comparatively few. The most remarkable are *major, pejor*, *plus*, *minor*. In *jūn-ior*, *dīt-ior* the stems *juven-*, *divit-* have been contracted by the ordinary evanescence of the *v*; and *sen-ior* is from the simple stem *sen-*, appearing also in *sen-is*, *sen-ium*, not from the compound *sen-ec*. *Benevolentior*, *malevolentior*, *maledicentior*, etc., are of course formed from the participials (used by Plautus), and so the stems compounded with *-ficus* in the positive.

Mājor is for *măg-ior*, the root appearing in *mag-nus*, *μέγ-ας*, etc. The form *măg-is* has undergone another contraction (see below), but is otherwise exactly the same word. A *g* has been similarly lost in *puleium* = pulēgium, and *aio* (cp. *adăgium* and *axamenta*), and the preceding vowel has been lengthened in compensation, as in *māior* (Corss. i. 306).

Pejor is of somewhat uncertain derivation. Benfey connects it with Sanskrit *pāpa*, 'bad,' Latin *peccare*, so that *pe-jor* = pep-jor, Lottner and Corssen with Sanskrit *pīj-*, 'to hate' (Corss. i. 305), while Mr. Roby makes it *pĕd-ior*, cp. *pessum* = 'lower' (§ 143). Probably Lottner's derivation will be most generally accepted. *Plus*, old Latin *plous*, would be obscure without the form *ple-ores*, preserved in the Arval Hymn. This leaves no doubt that the stem is the same as that in *ple-rus*, *ple-nus*, *pleo*, etc., and that *ple-ores* is contracted for *ple-ios-es*. *Ple-ios* is, in fact, exactly equivalent to *πλέ-ιους* or *πλείων*. *Min-or* is similarly contracted for *min-ior;* the same root appears in *min-is-ter*, *min-uere*, *μείων*, *μινύθω*, Sanskrit *mî-nâ-mi*, 'I destroy' (Curt. Gr. Etym. p. 300).

6.] The numeral adverbs in *-iens*, *-ies*, such as *quinqu-iens*, *sex-iens*, *toti-ens*, *quot-iens*, *pauc-iens ; quinqu-ies*, *sex-ies*, *tot-ies*, *quot-ies*, *pauc-ies*, etc., are formed with the same suffix (according to Dr. Aufrecht's explanation). We must probably regard these as accusative cases.

The same suffix has been contracted into *-es* in *pen-es ;* and appears, according to Corssen (ii. p. 216 sq.) in *Praen-es-te* and *pot-es-tas*, cp. *ma-jes-tas*, and in late Latin in spelling like *mag-es-ter*, *sen-es-tram*.

The contraction to *-is* is frequent in *mag-is* (for **mag-ius*), *nim-is*,

cp. *nim-ium*, *sat-is*, cp. *sat-ius*, *tant-is-per* (?), etc., and in the compound forms *mag-is-ter*, *min-is-ter*, *sin-is-ter*, *soll-is-timus*, *pris-cus*, *pris-tinus* (*pris* = prius, cp. πρίν), and most probably in the common superlative ending *-is-simus* or *-iss-imus*.

This is also the usual form in Oscan; e.g. *ma-is* = mag-is, *postir-is* = poster-ius. It may be remarked that the Italian *mai*, and French *mais*, bear just the same relation to *majus*, *magis* as Greek πλήν to πλείων.

The adverbs *ten-us* and *pro-ten-us* appear to have another form of the same termination (like *min-us*, Corssen, ii. 299, *note*).

The rare form *prodius*, 'further,' is evidently the comparative from the preposition *pro* or *prod* (Varro, Virgula Divina, ap. Non. p. 235, Riese), and may be compared to *propius* and the superlatives *op-timus*, *ex-timus*, etc.

7.] *Suffix* -TARA; perhaps with the same idea as in *trans*, 'of progression,' or 'pressing forward.' It appears in ordinary words both with an *l* and an *r*; *ti-tul-us*, *li-ter-a*, *cli-tel-la*, etc. As a comparative suffix, it appears in Latin as *-tero*, in Oscan as *-toro*, *-turu*, *-tero*, *-tiro*. This suffix is never used by itself in pure Latin comparatives, but in composition with the other, either before or after it.

It appears, however, alone in *pos-teri*, cp. *pos-tumus*, *ce-teri*, *ex-teri*, *al-ter*, *neu-ter*, *u-ter*, *dex-ter*, *ci-ter*, and the adverbs *con-tra*, *in-tra*, *ul-tra*, *frus-tra*, and the adverbs in *-ter* and in *igi-tur*, and also in *i-terum*.

8.] In comparatives we have the two blended:—

(1.) In the compound suffix *ter-ior*.

(2.) In the compound suffix *is-tero* (cp. Gk. λαλ-ίσ-τερο-ς).

(1.) *ci-ter-ior*, *de-ter-ior*, *dex-ter-ior*, *ex-ter-ior*, *in-ter-ior*, *pos-ter-ior*, *ul-ter-ior*, and *sin-is-ter-ior*.

(2.) The form *is-ter-o* is only found in two proper comparatives, *mag-is-ter*, *min-is-ter*, and only in the sense of the 'greater person,' the 'lesser person:' compare our modern use of *major*, *mayor*, etc. *Minstreis* and *mistreis* are, however, found in Oscan = minoris, in the Bantine Table, e.g. line 12, 'ampert *minstreis* aeteis eituas moltas moltaum licitud' = 'intra (v. usque ad) minorem partem pecuniae multas multare liceto.' *Sin-is-ter* is formed in the same way, though the root is obscure. Mr.

Nettleship connects it with *se*, *sine*, and *sinere*, and compares other words for *left* implying *to one side*, *one sided*, *oblique*.

9.] *Superlative formation.* The two suffixes most in use in the original language appear to have been -TA and -MA, either separate, or together, or doubled, or with the comparative stem. This will be best understood from a comparison of the following forms (see Farrar, Comp. Gr. i. §§ 156–159):—

1. -TA in numerals.

Sanskrit, *shash-ṭha.* Greek, *ἕκ-το.* Latin, *sex-to*, etc.
πρῶτο.

2. -MA.

Sanskrit, *agri-ma* (first). Greek, *πρό-μο.* Latin, *prî-mo.*
sum-mo, etc.

3. -TATA.

Greek, *κουφο-τάτο*, etc.

4. -TAMA.

Sanskrit, *pra-thama* (first). Latin, *op-tumo.*
dex-tumo.
**facil-tumo*=facil-lumo (?).
**miser-tumo*=miser-rumo (?).
**propic-tumo*=proxumo.
**mag-tumo*=maxumo.

5. -MATA.

Greek, *πύ-ματο.* Irish, *secht-mad.*
ἑβδό-ματο. *ocht-mad.*

6. -MAMA.

Irish, *vaisli-mem.*
doir-bem.

7. -YANS-TA.

Sanskrit, *mah-ishṭha.* Greek, *μέγ-ιστο.* Latin, *fid-ustus* (?).

8. -YANS-TAMA.

Latin, *soll-is-tumus.*
sin-is-tumus.
prob-is-simus, etc.

9. -YANS-MA.

Latin, *prob-iss-i-mus* (?).
facill-i-mus (?), etc.

Compare { **ox-is-i-me* = oxime.
pl-is-i-ma.
plous-i-ma. }

10.] (1.) *Suffix* -TA. No proper superlatives are found with this simple suffix in Latin, only numeral adjectives, such as *quar-tus*, *quin-tus*, *quo-tus*, etc. **Ter-tus* may be inferred from *ter-tius*, compared with *quintus* and *Quinctius*, etc.

11.] (2.) *Suffix* -MA. A considerable number of superlatives are formed with the suffix *-mo* or *i-mo* in Latin :—

prî-mus, either from *pri* = prae (Corss. i. 780), or = proi-mus (Curt. G. E. p. 256).

sum-mus = sup-mus or sub-mus (*sub*, *sup-er*) ; so *ὑπά-τος*, beside *ὑπό*, *ὑπέρ*.

min-i-mus, cp. *min-or*.

plur-i-mus ; old Latin forms *ploirume* (Ep. Scip. C. 32), *plourima* (ib. 1297, Ep. Protogenis), *plusima* (Carm. Sal. ap. Varr. L. L. vii. 27), *plisima* (Fest.) for original **ple-ios-umo-s*.

postrê-mus = * postera-i-mus.

extrê-mus = * extra-i-mus.

suprê-mus = * supra-i-mus.

î-mus = * ih-i-mus, Sk. *adh-a-mas*, otherwise **if-i-mus* and *inf-i-mus* (Corss. i. 102).

Ipsimus, *ipsima*, for *dominus*, *domina*, occur in a speech of Trimalchio's in Petronius (Sat. § 76), and are perhaps merely coined on the moment.

De-mum is probably formed with the same suffix from *dē*, just as *prî-mum*, according to Corssen's view, from *pri* or *prae*. In the same way probably the Oscan *pos-mum* = postremum (?) (Tab. Bant. l. 16), and *im-mo* from *in*, meaning 'thoroughly,' 'in reality' (cp. *summus* from *sub*), are superlatives of this formation (Corss. Kr. N. p. 208).

The numeral adjectives *septimus*, *decimus*, etc., are formed with this suffix, just as *quartus*, etc., with the other. *Nōnus* is probably a formation like *bi-nus*, *ter-nus* [for *nŏvin-us*, *ŏvi* = *ō*, as in *ō-pil-i-o* for *ovi-pil-io*].

12.] (3.) The doubled *suffix* -TATA or -TATO, though common in Greek and in Irish numerals, has no example in Latin.

13.] (4.) The compound *suffix* -TAMA is not uncommon in Latin in the forms *-tomo*, *-tumo*, *-timo*; but this suffix, in its superlative sense, is appended rather to prepositions than adjectival stems. We have superlative forms from the prepositions *in* and *ex*, *in-timus*, *ex-timus*; with which probably *op-timus* is to be placed, from the preposition *ob*, *ob-s*, originally meaning *uppermost*; and so *pos-tumus*, from *pos* or *post*.

Ul-timus, in like manner, is from *ul-s*, an old preposition used by Cato (ap. Fest. Paul. s. v.) and by Varro (L. L. v. 83, cp. Gell. xii. 13. 8) in the phrase '*uls* et cis Tiberim.' It is connected with *ollus* by Corssen with great probability, and so would have had the meaning originally 'on that side' (Kr. Beitr. p. 303, cp. Kr. N. p. 277).

Ci-timus, again, is connected with *ci-s*, and the pronominal stem *ci-*, *ce-*, so that *cis* means 'on *this* side,' in natural opposition to *uls*.

We have further *dex-tumus*, which occurs in Sallust, Jug. 100, 2, 'apud *dextumos*,' and Coelius Antipater ap. Prisc. (Peter, Fr. Hist. p. 153). Of other words with this suffix, *fini-tumus*, *mari-tumus*, are local. In *aedi-tumus*, *legi-tumus* it is used in a wider sense.

14.] With these formations Corssen would class a large number of adjectival superlatives, *facillimus*, *gracillimus*, *humillimus*, *imbecillimus*, *simillimus*, etc.; *acerrimus*, *deterrimus*, *miserrimus*, *veterrimus*, etc. His theory is, that after *l* and *r*

$$\text{-}timo = \text{-}simo = \left\{ \begin{array}{l} \text{-}limo, \\ \text{-}rimo, \end{array} \right\} \text{ by assimilation.}$$

Of the first change from *-t* to *-s*, after *l* and *r*, he gives the participles, *cur-sus* and *fal-sus*, as instances, proving that *facil-timo*, *miser-timo* might have become *facil-simo*, *miser-simo*. The further change of *l-t* or *l-s*, to *l-l*, is supported by the parallel of *mell-is* to μέλιτ-ος, compared with the old Latin form *mel-to-m* and *mulsum*, etc.; while in *vel-le*, *vel-lem* we have probably contractions of *vel-ese*, *vel-esem*. The change of *-rt*, *-rs* to *-rr* is supported by the parallel forms *Martius*, *Marsus*, *Marrus*, *Marrurium* (Corss. ii. pp. 551, 552, *note*, where see references to other passages in which he defends this formation). The same theory

is, of course, applied to the larger class of superlatives in *-issumo*, *-issimo*, which he explains as = * *ios-tumo*, see below, § 19 (8).

15.] Besides these there are a few superlatives of a peculiar form, *proxumus*, *medioxumus*, and *maxumus*, which must be classed in the same category. *Proxumus* is probably not for *prop-sumus*, as there is no clear instance in Latin of *p* changing to a guttural, though it is common enough to find a guttural represented by *p*. It is probably formed from an adjectival stem *propi-co*, just as *anti-co*, *posti-co* from *ante* and *post(e)*. So **propic-tumus*, **propic-sumus* will have been the antecedents of *prox-umus*. (Corss. Kr. N. p. 73.)

Medioxumus = 'middle,' 'middlemost,' as '*medioxumam* uxorem,' Plaut. Cist. ii. 3, 67, 'dii *medioxumi*,' opposed to 'superi' and 'inferi,' Ib. 1, 35, and Fest. '*medioxumum* mediocre.' This is in form a superlative from *mediocri-s*, the natural contraction of **mediocr-sumus*, as the combination *crs* is not found in Latin, and *r* constantly vanishes before *s*; cp. *porc-sco* = posco; *rusum* for *rursum*, etc.

Maxumus, again, is probably from **mag-tumus*, **mag-sumus*. It might, indeed, be contracted from *mag-is-u-mus*, but we are probably always bound to assume the easier of two contractions.

16.] On the other hand, Mr. Roby (apparently following Weihrich, De Gradibus Comparationis, etc., Giss. 1869) seems to regard these as formed with the suffixes *-ios*, or *-îs*, and *-imus*, under the influence of a strong contraction, *facillimus* = facil-îs-i-mus, and *acerrimus* = acriôs-i-mus. The difficulty of this seems to lie in the *i* or *u*, which is here inserted between *s* and *m*. The *s*, indeed, is often lost before *m*, as in *rĕsmus* becoming *rēmus*, *pos-meridianus* becoming *pomeridianus*, etc., but *i* or *u* is not inserted after *s* (argues Corssen, l.c.), as it is after *r*, e.g. *patr-i-mus*, *matr-i-mus*. He seems, however, to have forgotten his own explanation, which is, no doubt, the right one, of *plousima*, *plisima*, etc., = ple-ios-*i*-ma, pl-is-*i*-ma (ii. 42, cp. i. 308 with ii. 1011). *Oxime*, again, is more likely a contraction of **oc-ius-i-me*, **oc-is-i-me*, than of **oc-ius-time*, **oc-is-time*, *oc-is-sime*, on the principle laid down above, of choosing the easier of two possible contractions.

17.] Both theories, therefore, appear possible, but Corssen's theory has the advantage in following the wider analogy, and

in supposing the easier contraction, except in the cases of *plurimus* and *oxime*. Merguet (Entwickelung, p. 129) supposes these superlatives to be formed with the simple suffix *-mo*, *pulchero-mo*, *pulcheri-mo*, *facili-mo*, with a binding-vowel introduced in consonantal stems, as *pauper-i-mo*. The doubling of the consonant he would refer to the position of the accent. This theory is at first attractive from its simplicity. But the short *i* or *e* before *l* or *r*, even under the influence of the accent, is much more likely to be lost altogether, than to cause the *l* or *r* to be doubled after it.

As an instance of this a line of the Titulus Mummianus (C. 542, q. v.) will suffice,

COGENDEI . DISSOLVENDEI . TV . VT . FACILIA . FAXSEIS,

where *facilia* is evidently a dactyl, being pronounced *fáclia*, notwithstanding that, by rule, the accent should be on the *i*. Compare *viglias* (C. 1139), *Licnia* (892), *Ofdius* (1287), *Popnia* (1062), in all of which an *i*, which ought by rule to be accented, is lost. This may be reason enough for rejecting his theory, to say nothing of the fact that the stem vowel is lost or contracted in all other comparatives and superlatives, and is specially weak after *r*.

Forms (5.) and (6.), from MATA and MAMA, do not occur in Latin.

18. (7.) YANS-TA, Sanskrit *-ishṭha-*, Greek *-ιστο*. This is a common superlative suffix in Greek, but appears in only one case in Latin, in the word *fidustus*, quoted by Festus, Ep. s. v., '*Fidusta* a fide denominata, ea quae maximae fidei erant [1].' As a superlative it will, however, be from *fidus*.

Other adjectives, in *-ustus*, seem to be of a different formation, i. e. *-to*, appended to a suffix *-os*, *-us* (*-or*, *-ur*), as *robus-tus* from *robor-*, *faus-tus* from *favor-*, *vetus-tus* from *vetus-*, *venus-tus* from *venus-*, etc.

19.] (8.) YANS-TAMA, Latin *is-tumo*. This appears, in its pure form, in two words, *soll-is-tumu-m* and *sin-is-tumu-s*. The first, like *fidusta*, is of very rare occurrence, only in the phrase '*sollistimum* tripudium,' preserved by Cic. de Div. ii. 34, 72, and

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[1] *Fidustius*, formed evidently from *fidustus*, occurs twice in C. I. L. 1053, 1054, as a proper name.

Festus, s. v., where it is applied to the fall of a piece of anything from the beak of a bird, especially of the cake from the mouth of the sacred chickens, or of the fall of a tree or rock without any external cause. The word *tripudium* refers to the rebound of the object striking the ground, literally, 'a three-fold beat of the foot;' and *sollistimum* seems to mean 'perfect,' and to be formed from *sollus* = totus, solidus. (Corss. Kr. Beitr. p. 313 sq.)

Sin-is-tumu-s is the superlative from *sin-is-ter*, just as *dextumu-s* from *dex-ter*.

On the analogy of these two forms, Corssen explains the regular Latin superlatives, such as *probissumus*, *altissumus*; and if we admit the explanation given of *facillimus*, etc., we must admit this as well. The *-is* will of course be the common contraction of the comparative suffix.

20.] Mr. Roby, explaining the *-is* in the same manner, supposes the latter part of the suffix *-issimo* to be *i-mo*. 'The double *s*' (he says, § 755) 'is due partly to the desire to indicate the length of the syllable (which moreover is accented), partly, perhaps, to preserve the sound of *s* sharp, instead of *s* flat, or eventually *r*.' Corssen, on the other hand (criticising Weihrich, ii. p. 551, note), remarks that '*s* is never sharpened to *ss* merely phonetically, except when a syllable has been lost before it, as in *locassim*, *prohibessis*, *ambissit*, *locasset*, and in noun-forms this is without example.'

Even *plousima*, etc., which to a great degree support the kindred theory of *facill-i-mus*, *veterr-i-mus*, cannot be appealed to here, as the *s*, instead of becoming *ss*, changes to *r*. It may indeed be said that if *plisima* had remained in use, instead of becoming obsolete, it would have become *plissima*, just as *probisuma*, *parisuma*, in old Latin, become *probissuma*, *parissuma*.

On the whole, however, I think it safest to follow Corssen's explanation.

CHAPTER XII.

PRONOMINAL DECLENSION.

Pronouns without Gender.

1.] Pronouns are of two kinds, those that have gender, and those that are without gender.

(1.) Pronouns without gender are — *I* and *thou*, and the reflexive, originally *ma-*, *tva-*, *sva-*.

(2.) Pronouns with gender are of various kinds—demonstrative, relative, interrogative, indefinite—but are all of one type in declension.

2.] *Pronouns without Gender.* The root MA appears both in the pronoun and in the verbal suffixes, as εἰ-μί, *su-m*; ἐσ-μέ-ν, *su-mu-s*. As to its derivation it is absurd to dogmatize. Such a simple word is perhaps more likely to be a mere natural utterance of self-assertion, than to be formed from any verbal root. In the same way PA and TA, the first utterances of a child, are applied in various senses to the ideas that first are forced upon it.

Besides this root, the nominative case has a different form, originally *agam*, Sanskrit *aham*, ἐγών, ἐγώ, *egŏ*. This may be explained, with Ferrar (after Bopp's suggestion), as formed from three pronominal stems, *a-ga-ma*,—the second appearing in Greek γε, γα, and in Gothic *k* in *mi-k*, etc.

3.] *Pronoun of the First Person*, MA.

Sing.	Old Form.	Later Form.	Dialects.
Nom.	*egŏ.*	*egō, egŏ.*	
Acc.	**me*(*m*), *med,*	*me, meme.*	
Gen.	**mi-us, mis.*		
Loc.	*me-i,*	*me-ī.*	
Dat.	*mi-hei, mi,*	*mi-hi,*	Umb. *me-hē.*
Abl.	*mē-d,*	*mē.*	

Plur.	Old Form.	Later Form.	Dialects.
Nom.	*nō-s.*		
Acc.	*nō-s,*		
Gen.	[*nos-tr-om, nos-tr-or-om*], *nostrum.*		
Loc.	. . . .		
Dat. Abl.	*no-beis,*	*no-bīs.*	

Pronoun of the Second Person, TVA.

Sing.			
Nom.	*tu, tute.*		
Acc.	**tvem, tēd, tē,*	*tē, tete,*	Umb. *tiom* for **tuom.*
Gen.	**tis,*		
Loc.	*tui,* Greek *σοί, τοί.*		
Dat.	*ti-bei,*	*ti-bi,*	Umb. *te-fe.*
Abl.	*te-d,*	*tē.*	
Plur.			
Nom.	*vo-s,*	*vo-s.*	
Acc.	*vo-s,*	*vo-s.*	
Gen.	[*vostr-om, vostr-orom*],	*vostrum.*	
Loc.	. . . .		
Dat. Abl.	*vo-beis,*	*vo-bīs.*	

The Reflexive Pronoun, SVA.

Sing.			
Nom.	wanting.		
Acc.	**sve, sē, se-d,* *seese,*	*sē,* *sēsē,*	Osc. *siom* for **suom.*
Gen.	**sis.*		
Loc.	*su-i,* Greek *οἷ.*		
Dat.	*si-bei,*	*si-bi,*	Osc. *si-fei,* Umb. *seso.*
Abl.	*sē-d,*	*sē.*	

Peculiarities of the Personal Pronouns without Gender.

4.] *Nominative.* The final vowel of *ego* was generally if not always short in old Latin, as in Sanskrit *ahám*, but the evidence for the original quantity is not complete. In Plautus it is either short or elided in the vast majority of instances according to the MSS., and critics are generally agreed to correct the lines in which the MSS. seem to exhibit another prosody. In the Fragments of Ennius it is never necessarily long, but it is

frequently elided and frequently short; i. e. Trag. lines 120, 162, 265, 327, 344, 353, 361 (ed. Vahlen). In the Fragments of Lucilius it is generally short or elided. I can only find one instance, and that in a line where the reading is doubtful, in which it is necessarily long (xxx. 10, ed. Gerl.):—

'... an egō te acrem atque animosam.'

In the Fragments of the Comedians it is never long, as far as I have discovered.

The same usage is exclusively found in the best classical poets, Catullus, Vergil, Horace, Juvenal, etc., though in quite late times the *o* is often made long.

Tu, Sk. *tva-m*, Gk. σύ, τύ, Boeot. τούν, Lacon. τύνη. Like *ego*, it never has the original termination *m* or *n*, which is preserved in Sanskrit, and to some extent in Greek.

5.] *Accusative*. The Umbrian *tiom*, and the Oscan *siom*, preserve an older form than the Latin *mē, tē, sē*. The form *mehe* is referred to by Quintilian, i. 5, 20, as occurring in the old tragedians, though we have no trace of it extant (but compare Pacuv. 143, Ribbeck). *Med, ted, sed* are old Latin forms in which a paragogic *d* is added, apparently only in imitation of the ablative. *Med* and *sed* are found in inscriptions, e. g.:—

Cista Ficoron. C. 54, 'NOVIOS PLAVTIOS MED ROMAI FECID;'
S. C. Bacch. v. 13, 14, 'inter *sed*' (plur.);
Lex Bant. v. 21, 'apud *sed*' (sing.).

These forms are restored to Plautus by Ritschl in many cases. The following are instances in which the MSS. or grammarians have preserved the final *d*; and there are others of the same kind. Epid. v. 1, 23:—

'Haec edepol remorata *med* est : : Si quidem istius gratia.'

Bacch. 61:—

'Et ille adveniens tuam *med* esse amicam suspicabitur.'

Curculio 1:—

'Quo *ted* hoc noctis dicam proficisci foras.'

In the fragments of the old poets *med* and *ted* seem to be restored in the following places with some probability. Caecilius, v. 9 Ribb.:—

'Séd ego stolidus, grátulatum *méd* oportebát prius.'

Ib. 76 :—

'Filius in *med* accédit sat hilará schema.'

Ennius, Epich. I. Vahl. :—

'Nám videbar sómniare *méd* ego esse mórtuum.'

Ib. Trag. v. 203 V. :—

'*Téd* exposco ut hóc consilium Achívis auxili fuat.'

Pacuv. Trag. Fr. 248 R. :—

'Pariter te esse erga íllum video, ut íllum *ted* ergá scio.'

Perhaps too we should retain the MS. reading of Naevius, Lycurgus, 44 :—

'Séd quasi amnis cís rapit *sed*, támen inflexa fléctitur.'

6.] The length of the vowel in these cases, beside μέ, σέ, ἑ, is perhaps due to the imitation of the ablative, perhaps to the existence of a contraction. It has been, for instance, explained as if the stem had been increased with an *o*, as *ti-o-m*, *si-o-m* in the dialects, and as *i-s* in *e-u-m*, etc. But, argues Corssen, if *e-u-m* has preserved its full form, why should the supposed Latin **me-o-m* have lost it? (Corss. Kr. B. p. 528.) On the other hand, the existence of the form *mehe*, quoted by Quintilian, unless itself a mere imitation of the dative, is evidence for the probability of a contraction of some kind.

The reduplicated forms *meme*, *tete*, *sese*, in this case, are peculiar to Latin, and may be compared with *emem* = eundem, Fest. Epit. s. v., from stem *i*. Other reduplicated forms, however, appear in these pronouns in other languages; e. g. *mama* (gen.) in Sanskrit, and *seso* (dat.) in Umbrian.

7.] *Genitives*. According to Priscian, xiii. ch. 2, Ennius said *mis*, *tis*, *sis*, and he quotes the line from Ann. ii :—

'Ingens curast *mis* concordibus aequiperare,'

(so Vahl.). Quintilian even numbers *mis* among the archaisms of Vergil, but it is nowhere to be found in our present editions (I. O. viii. 3, 25; *miis*, Bonnell.)

Tis is found in Plautus, Mil. 1033 :—

'Quia *tís* egeat, quia té careat : ob eám rem huc ad te missast,'

where it is given in almost all the MSS. and editions; and

Ritschl has restored it to Trin. 343, where it is attested by the Ambrosian palimpsest:—

'Út ita te aliorúm miserescat, né *tis* alios mísereat.'

These genitives seem originally to have been formed, like the genitives of pronouns with gender, *eius*, *cuius*, etc., from **mi-us*, **ti-us*, **si-us* (Corssen, K. B. p. 565). We have traces of similar forms in Greek: Dor. ἐμέος, ἐμοῦς, ἐμεῦς; Syrac. ἐμῶς; Dor. τέος, τεοῦς, τεῦς, τίος, τίως; Boeot. ἑοῦς (Ferrar, C. G. i. p. 319 sq.). Considering the parallels in Latin there seems no reason for explaining the *s* as merely added to the ordinary genitive by later analogy from other declensions.

8.] *Locative*;—*me-i*, *tu-i*, *su-i*. It is usual to explain these as borrowed from the possessive pronoun, like *nostri* and *vestri*, but they seem to be fairly explained by Bopp as locatives. So *meĭ-ĭ* = or. *ma-i*, compare Greek μο-ί. *Tuĭ-ĭ* = or. *Tva-i*, compare Greek τοί, σοί. *Suĭ-ĭ* = or. *sva-i*, compare Greek Ϝοῖ, οἷ. Supposing that Latin had preserved the locative formation, it is difficult to see what other shape it could have taken.

9.] *Dative*. The original forms of the dative appear to have been **ma-bhyam*, *tva-bhyam*, *sva-bhyam*; but the labial has been lost in Sanskrit *ma-hyam*, Greek (Dor.) ἐμῖν, as well as Latin *mihī* or *mihei*, Umbrian *mehē*. *Tibei*, Umbrian *te-fē*; *si-bei*, Oscan *sifei*, *seffi* (C. 194, '*seffi inom suois cnatois*'), Umbrian *seso*: e.g. Tab. Eugub. i *b*. 13, 'Enumek steplatu "Parfam tesuam *tefe*, tote Ikuvine,"' vi *b*. 51, 'Enom stiplatu "Parfa desua *seso*, tote Ijovine."' A. K. vol. ii. p. 11.

In all these forms the last syllable was originally long, though shortened under the influence of the accent. *Mihi* has its last syllable short in the Fragments of Ennius, Ann. 7, 111, but long Trag. 365 (Vahl.), though it is more often contracted into *mi*; e.g. Ann. 201. *Tibi*, *sibi* also have it common. In Plautus and Terence also it is common, as in the later poets. We even find the forms SIBEI, TIBEI, scanned ⏑⏑, as Ep. Scip. vii. (the latest of the series) C. 38:—

'Maiorum optenui laudem ut *sibei* me esse creatum,'

and Tit. Mumm. C. 542:—

'De decuma, Victor, *tibei* Lucius Mummius donum.'

The Umbrian *seso* is unexplained. Kuhn suggests doubtfully an original form *svasjā*, and so would make it a genitive. (Schl. Comp. § 265.) May it not be a reduplicated locative *se-so-i*? Compare Greek σο-ι, Latin *su-i*, and the other reduplicated forms mentioned above.

10.] *Ablative*; or *ma-d* or *ma-t*, *tva-d*, *sva-d*; a form preserved in Latin *mē-d*, *tē-d*, *sē-d*. These do not, I believe, occur anywhere in inscriptions. Corssen gives a list of instances as from the C. I. L. i, none of which have any existence—a curious negligence in a generally careful writer (ii. p. 201).

This form has long been recognised in Plautus: e. g. Asin. 772:—

'Aps *téd* accipiat tíbi propinet, tú bibas;'

and Cas. i. 1, 2:—

'Loqui átque cogitáre sine *ted* árbitro;'

where MSS. and editions generally agree in exhibiting it. Ritschl says that it has MS. authority in six places only. See Neue Plautin. Excurse, pp. 23 foll. But he has lately restored it in a great number of other places. The adverbs *se*, *sed* may probably be ablatives of the reflexive = 'by itself,' 'separately,' 'away from,' 'except,' 'but,' as in *se-cedo*, *sēd-itio*. Cp. § 39.

11.] *Plural Nominative* and *Accusative*. The oldest form of the nominative is *enos*, in the Carmen Fratrum Arvalium. The stem both of this and of *nos* appears to be *nō*, which occurs in the Greek dual νῶϊ, νω-ΐν, and in a Sanskrit dual *nāu* (acc. gen. dat.), and plural *nas* (acc. gen. dat.), as well as in Zend *nāo*, and Church Slavonic (Curt. Gr. Et. p. 287. Schleicher, Comp. § 266, considers them as remains of case forms of the stem *ma-sma-*). The *-s* may be either the proper plural suffix, or the accusative may be borrowed for the nominative.

The *e* in *enos* may be compared to that in ἐ-μοί, but perhaps it rather is the interjection *e*, appearing in *e-quidem*, *e-castor*, etc. See below, under *is*.

Vōs may be compared with forms in Sanskrit and Zend, similar to those referred to above, e. g. Sanskrit *vas*, Zend *vāo*.

12.] The *Genitives nostri*, *nostrum*, *nostrorum*; *vostri*, etc., are borrowed from the possessive pronouns. *Nostrum*, *vostrum* are, of course, not to be regarded as ordinary contractions, but as

instances of the old form in *-om*. See under the *o* declension. *Vostrarum* is read by Ribbeck in Fr. Com. Caecil. 153.

13.] The *Dative* and *Ablative*, *nobīs*, *vobīs*, are, no doubt, rightly explained by Corssen as parallel forms to the ordinary noun formation in *-būs*, later *-bŭs*; that is, as both formed from an original *-bhyams*.

CHAPTER XIII.

PRONOMINAL DECLENSION.

PRONOUNS WITH GENDER.

1.] THE declension of pronouns in which gender is marked is rather complex, so that at first sight it seems almost impossible to reduce them to a common system. Various theories have been proposed, but, on the whole, that which is held by Corssen is the most satisfactory. It is nowhere properly laid out by him, but the results here given rest generally upon a comparison of various passages in his works.

The pronominal stem in Latin ended originally in *-a*, but for purposes of gender in masculines and neuters, *-a* has been changed to *-o*, with slight exceptions (*quis*, *is*, *alis*). It has, however, certain peculiarities which prevent it from being fully treated under the *a* and *o* declensions. For instance, it retains both the genitive and the locative singular, and the locative and ablative plural, and the neuter termination in *-d*; and in many cases the pronominal stems are increased by an *i*, found also in Greek and Oscan. Many of the stems also are found compounded together, a phenomenon which is incident to pronouns in almost all languages, in Greek certainly as well as in the Romance languages. In Latin so much is this the case, that many of the simplest stems hardly exist as pronouns at all by themselves, but have become adverbial, while they form parts of other compound pronouns retained in general use. This applies specially to the stems SO- and TO-, or rather SA- and TA-, the original A forms appearing in adverbs such as *tam*, *quam*, *nam*, etc. See under class iii.

2.] The chief pronominal stems in Latin are HO-, TO-, SO-, NO-, CO-, QVO-, OLLO-, and I- or EO-. These are employed either (1.) simply, as *so-s*, *quo-d*, *ollu-s*, *i-s*, etc.; or (2.) reduplicated

or compounded with one another, as *is-to, i-p-so, sa-p-sa, emem, quisquis, i-den-ti-dem*; or (3.) intensified with *i*, as * *quo-i, quī, qua-i, quae, ei-ei, eī* (dat.); or (4.) both intensified and compounded, as * *ho-i-ce* = hīc, * *is-to-i-c* = istīc. This intensification is parallel to Greek *οὑτοσ-ί, οὑτοι-ί, τοδ-ί, νυν-ί,* but takes its place in Latin generally before, instead of after, the suffix, and is not carried throughout all cases of the pronoun. It takes place in Latin always in the genitive case in -*ī-us*, and often in the nominative feminine singular, and in the neuter plurals, e. g. *ha-i-c* (*haec*), *qua-i* (*quae*), as well of course as in the masculine and feminine. See above, chap. viii. § 9.

3.] The full general paradigm for this declension of pronouns is as follows. The -*i*, by which the stem is increased, is put in italics, for the sake of distinguishing it from the suffix. Later forms are enclosed in brackets:—

Sing.			
Nom.	O-s, (us, ĕ, ĭs).	Ā, (ă),	O-d, (od, ud, id).
	O-*i*, (ei, î).	Ai, ae),	
Acc.	O-m, (um).	A-m,	
Gen.	O-*i*-us, (u-*i*-us, ī̆us, *ī*us.		
Loc.	O-i, (o-i, u-i, î).		
Dat.	O-*i*-ei.		
	O-ei, (oi, ui, î).		
Abl.	Ō-d, (ō).	Ā-d, (ā),	Ō-d, (ō).
Plur.			
Nom.	O-*i*s, (îs, ês).	A-*i*, (ae),	Ā-*i*, (ae), Ā, (ă).
	O-*i*, (e*i*, î).		
Acc.	O-s, (ōs).	A-s, (ās),	
Gen.	O-m.		
	O-rom, (-orum).	A-rom, (-arum),	O-rum, (orum).
Loc.	O-is, (eis, îs).		
Dat. Abl.	O-*i*-bus, îbus.		
	O-bus, ĭbus.		

4.] For the purposes of convenience, we may divide these pronouns into three classes, according to the simplicity of their declensions.

(i.) *ollo-, isto-, ipso-, alio-,* and others like them.

(ii.) *ho-, quo-, i-,* or *eo-*.

(iii.) *so-, to-,* etc., defective and enclitic stems.

5.] *Class* i. The pronouns which are least altered by the addition of *-i* are the stems *ollo-*, *isto-*, *i-p-so*, *a-lio-*.

Sing.		*Old Forms.*		*Usual Forms.*		
Nom.	ollo-s,	oll-a,	ollo-d.	ille,	illa,	illud.
Acc.	ollo-m,	olla-m,		illum,	illam,	
Gen.	ollo-*i*-us.			illīus.		
Loc.	ollo-i.			illi, cp. illīc.		
Dat.	ollo-ei.				illî.	
Abl.	ollō-d,	ollā-d,	ollō-d.	illō,	illā,	illō.
Plur.						
Nom.	ollo-*i*,	olla-*i*,	ollā.	illi,	illae,	illă.
Acc.	ollo-s,	oll-as,		illos,	illas,	
Gen.	ollo-rom,	olla-rom,	ollo-rom.	illorum,	illarum,	illorum.
Loc.	ollo-is.			illīs.		
Dat. Ab.	(not found).					

Alius, *iste* (istus), *ipse* (ipsus) are declined in the same way, except that *ipsum* is regularly substituted for *ipsud*.

6.] The following archaic forms are found—*ollus*, Varro, L. L. vii. 42, 'Apud Ennium

Olli respondet suavis sonus Egeriai.

Olli valet dictum illi, ab olla et ollo, quorum alterum comitiis quom recitatur a praecone, dicitur *olla centuria*, non illa; alterum apparet in funeribus indictivis, quom dicitur *ollus leto datus est*, e. q. s.' Cp. '*olla* veter arbos' in the 'formula augurandi,' ib. 7. So Cicero, quoting an old law, De Leg. ii. 9, 21, 'Nocturna mulierum sacrificia ne sunto praeter *olla*, quae pro populo rite fient.' The oldest forms with a single *l* are preserved in Fest. Epit. s. v., '*ab oloes* dicebant pro *ab illis*,' on the Col. Rostrat. in the genitive plural OLOROM, and in the adverb *olim*. *Olle* is read in the law of Servius Tullius, preserved by Festus, s. v. *plorare*, 'SI PARENTEM PVER VERBERIT AST OLLE PLORASSIT, PVER DIVIS PARENTVM SACER ESTO.' In Ennius, beside the instances cited above, there are two or three others, *olli* (n. pl.), *ollis* (d. pl.). It does not, however, occur in the fragments of the Tragedians, Comedians, or Historians. In inscriptions (besides Col. Rostr.) it occurs in L. Corn. de xx. Quaest. C. 202, v. c. 673, '*olleis* . . . liceto,' and the corrupt dedicatory inscription, C. 603. In

Lucretius and Vergil, of course, such forms are only intentional archaisms.

7.] As to the derivation, Corssen seems rightly to connect it with *ul-s, ul-tra*, etc. (Kr. B. p. 301), and he accepts Pott's conjecture of a relation to the Sanskrit pronoun *a-na-* with suffix *lo-, o-no-lo* becoming *ollo-*, as *coronula* becomes *corolla*, etc. Mommsen, Unt. Dial. p. 247, considers it to be related to *al-ter, al-ius*, comparing Oscan *allo* famelo = illa familia (Bant. T. 22).

8.] *Is-te*, earlier *is-to-s*, is evidently compounded from the two stems *i-* and *-to*, the latter being appended to the nominative case *i-s*, and then declined.

The older form *istus* is found in Plautus, Mil. 1233:—

'Ergo *ístus* metus me mácerat quod illíc fastidiósust.'

9.] *Ipsus* is not uncommon in old Latin. It occurs in Plautus frequently, and in Terence (Hec. 455) and Cato, R. R. 70, 2.

Even *ipsos* is found in Festus, Ep. s. v. *aliuta*, from the laws of Numa Pompilius, 'Si quisquam aliuta faxit, *ipsos* Iovi sacer esto.' (For *aliuta* see under TA, Class iii.)

Corssen derives it from the stems *i-* and *so-*, with the enclitic particle *pe* introduced, as in *quis-p-iam, nus-p-iam*, and so *ea-p-se, si-rem-p-se*, etc. (ii. p. 847). See below, § 47, for this pronoun. The stems *i-*, *to-*, and *so-* will be considered below.

10.] The shortening of these pronouns, **ollos, ollus, istus, ipsus* to *ille, iste, ipse*, may be compared to the change of vowel in the genitive of the consonantal declension. Both are from orig. *-as*, then becoming *-os*, *-us*, and lastly the terminations become in one case *-e*, in the other *-es* (Salutes, Apollines), and *-is*. The loss of final *-s* has been spoken of frequently above.

11.] The form *alis* (masculine and feminine), *alid*, is a rather late contraction of *alius, aliud*. No certain instance, I believe, occurs before the Ciceronian age, and then only in a few authors. *Alei* (dative) is found in the Lex Julia Municipalis, B.C. 45, 'iiii vir(eis) *aleive* quoi mag(istratui),' (C. 206, 98), and *alis*, nominative in the corrupt dedicatory inscription of Baebatius (C. 603, 10). The other instances in the index are more than dubious.

In Lucretius *alid* is found pretty frequently (i. 263, 1115,

iii. 970, v. 257, 1305, 1456), but never *alis*. *Ali* is found in iv. 637 and vi. 1227.

In Catullus we have *alit* or *alid* once, xxix. 15:—

'Quid est *alit* sinistra liberalitas?'

And once *alis*, feminine, lxvi. 28:—

'Anne bonum oblita es facinus, quo regium adepta's
Coniugium, quod non fortior ausit *alis*?'

Charisius, p. 133 P, quotes from Sallust, '*alis* alibi stantes, omnes tamen advorsis vulneribus conciderunt,' which seems almost like a misquotation of Catilin. 61, where, however, neither *alis* nor *alii* occurs.

12.] In the neuter the *-d* has been preserved in *illu-d*, *istu-d*, *aliu-d*, but in *ipsum* we see the accusative termination. *Ipsu-d* is mentioned in a glossary (Gloss. Philox.), but the grammarians generally speak of its absence, and it does not occur on monuments or in literature.

13.] The *Genitive* termination seems to be rightly explained by Corssen as formed with the ordinary termination **as*, **os*, *us* upon a lengthened stem, **ollo-i-us*, **isto-i-us* becoming *illī-us*, *istī-us*. In no other way can we well account for the existence of the long vowel *ī* in old Latin.

Besides these, other words—otherwise belonging to the *o* declension—follow the pronominal declension in the genitive and dative, *unus*, *ullus* (i. e. *unulus*), *solus*, *totus*, *alter*, *uter* (i. e. *cu-ter*), *uterque*, etc. The genitive of all these originally ends in *-īus*; later all are frequently shortened under influence of the accent, though in the time of Quintilian some had regained the original quantity (see Quint. I. O. i. 5, 18). On the quantity of the *ī*, in all these words, especially in Plautus, there is a series of remarks in Ritschl's Opuscula Philologica, 1868, ii. p. 662 foll., under the heading 'Prosodie von Alterius.'

14.] The *Locative* form of these words is formed from the simple stem, e. g. *isto-i*, *istī*. It occurs in the adverbs *illi-c*, *isti-c* (cp. *hic*, *sic*, etc., and see below) in the ordinary locative sense. Priscian speaks of this termination, used as genitive or dative, in no less than four places, and his instances may be worth recording here: vi. 36. p. 694 P, M. Cato in Censura de Vestitu et

de Vehiculis, 'Nam periniurium siet, cum mihi ob eos mores quos prius habui, honos detur, ubi datus est, tum uti eos mutem atque *alii* modi sim.'

C. Licinius in ii, 'Perversum esse *alii* modi postulare.'

Uni pro *unius*. Titinius in Barbato :—

'Quod quidém pol mulier dícet
Namque *úni* collegí sumus.' (R. Com. v. 8.)

Ipsi pro *ipsius*. Afranius in Homine :—

'*Ipsi* me velle vestimenta dicito.'

Toti (Hertz, *totae* Krehl) pro *totius*, idem in Suspecta :—

'Adeo ut te satias caperet *toti* (*totae* K.) familiae.'

Soli pro *solius*. Cato in I. Originum, 'Nam de omni Tusculana civitate *soli* Lucii Mamilii beneficium gratum fuit.' Idem *nullae* (*nulli* H.) pro *nullius*, 'Qui tantisper *nullae* (*nulli* H.) rei sies, dum nihil agas.'

Terentius in Andria (608) :—

'quándoquidem tam inérs tam nulli cónsili [sum].'

Ulli pro *ullius*. Plautus in Truculento (ii. 2. 37) :—

'quasi vero córpori relíqueris
[Tuó] potestatém coloris *úlli* capiendí, mala.'

Illi pro *illius*. Cato in M. Caelium, 'ecquis *illi* modi esse vult?'

Idem de moribus Claudii Neronis, *isti* pro *istius* :—'Pecunia mea reipublicae profuit quam *isti* modi uti tu es.'

Priscian, xiii. § 11. p. 959 P.; cp. vi. § 5. p. 678 P.

(Terentius) in Heautontimorumeno :—

'Dum loquitur *alterae*.'

[Should be '*alterae* | dum narrat,' Haut. 271.]

Et in Eunucho :—

'*Solae* mihi ridiculo fuit.'

[Should be 'Mihi *solae*, etc., Eun. 1004.]

Cuicuimodi pro *cuiuscuiusmodi*. Cicero pro Sex. Roscio :— 'Vereor enim, *cuicuimodi* es, T. Rosci, ne ita hunc videar servare, ut tibi omnino non pepercerim.' [Pro Rosc. Am. 95.]

To these we may add Plautus, Truc. iv. 3. 16, '*Istae* dedi;' and v. 38:—

'Qui, malum, bella aut faceta es quae ames hominem *isti* modi?'

Ritschl would restore these forms in other places of Plautus: for instances, see Opusc. Phil. ii. p. 692.

A more exclusively *locative* formation is that in *-im* or *-in*, as in *olim*, *illim*, *illin-c*, *istim*, *istin-c*, *hin-c*, etc., which appears to be peculiar to Latin, and has the sense of motion from a point. Prof. Palmer points out that the same formation occurs in *longin-quus*, *propin-quus*.

15.] The *Dative* seems to have had, like other datives in Latin, its termination in *ei*, later *ī*, which it retains, though lost in the ordinary *o* declension: cp. *isti* and *domino*.

The *Ablative* in *-d* has left, I believe, no traces in literature.

In the plural there is no divergence from the ordinary declension of *-o* stems, except that there is no example of the dative or ablative in *-bus*, nor of the nominative in *-is*, *-eis*, or *-es* (except *alis*, mentioned above).

16.] *Class* ii. Other stems, in which a further increase takes place, are *ho-* and *quo-*, the first having generally, though not always, the enclitic *-c* or *-ce* after it, the remnant of the pronominal stem *-co*, which appears more extensively in Oscan.

Sing.	*Old Form.*			*Usual Form.*		
N.	ho-*i*-ce, (heice),	hā-*i*-ce,	ho-d-ce.	hîc,	hae-c,	hō-c.
A.	ho-n-ce,	ha-n-ce,		hun-c,	han-c,	
G.	ho-*i*-us.			huius.		
„	ho-*i*-us-ce.			huiusce.		
L.	ho-i-ce, (heice).			hî-c.		
D.	ho-ei-ce.			hui-c.		
A.	hō-d-ce,	hā-d-ce,	hō-d-ce.	hō-c,	hā-c,	hō-c.
Plur.						
N.	ho-*i*-s, ho*i*sce,	ha-*i*,	hā-c.	hî,	hae,	hae-c.
„	ho-*i*, ho-*i*-ce,	ha-*i*-ce,		(hisce, hice),	hae-c,	
A.	ho-s,	ha-s,	hā-*i*-c.	hos, -ce,	has, -ce,	
„	ho-s-ce,	ha-s-ce,				
G.	ho-rom, -ce,	ha-rom,	ho-rom.	horum, (horun-c).	harum,	horum.
L.	ho-is.			hîs.		
D. A.	ho-*i*-bus.			hîbus.		

17.] Like *hic* is declined *istic*, i. e. **is-to-i-c*, and *illic*, though certain cases are not found.

Sing.			
Nom.	illic,	illaec,	illoc, *or* illuc.
Acc.	illunc,	illanc,	
Gen.	illiusce.		
Loc. / Dat.	illīc.		
Abl.	illoc,	illac,	illoc.
Plur.			
Nom.	illic,	illace,	illaec.
Acc.	illosce,	illasce,	
Loc. / Dat. / Abl.	illīsce.		

The nominative plural *illis-ce* is perhaps found in Plautus, Most. 510: see above, under the *o* declension, ix. § 9.

18.] The stem *quo-* is thus declined, as a relative *who* or *which* :—

Sing.	*Old Form.*			*Ordinary Form.*		
Nom.	quo-*i*,	qua-*i*,	quo-d.	qui,	quae,	quod.
Acc.	quo-m,	qua-m,		quem,	quam,	
Gen.	quo-*i*-us.			cuius.		
Loc.	quo-i.			quī, (cui ?).		
Dat.	quo-*i*-ei.			(quoi,) cui.		
Abl.	quo-d,	qua-d,	quo-d.	quo,	qua,	quo.
Plur.						
Nom.	quo-*i*,	qua-*i*,	qua-*i*.	qui,	quae,	quae.
,,	quo-*i*s.			(ques),		
Acc.	quo-s,	qua-s,		quos,	quas,	
Gen.	quo-*i*-om.					
,,	quo-rom,	qua-rom,	quo-rom.	quorum,	quarum,	quorum.
Loc.	quo-is.			queis, quîs.		
Dat. / Abl.	quo-bus.			quĭ-bus.		

19.] As an interrogative the stem *quo-* has a peculiar nominative, the vowel is weakened to *ĭ*, and the masculine has the suffix. Thus we get *quĭ-s*, *qua-e*, *quĭ-d* (originally *quo-s, quā-i, quŏ-d*). The same stem is used indefinitely in *ali-quis* (alius quis), *si quis*,

ne quis. In this case the nominative feminine is not increased by *i*, but we have *ali-quă*, *si-quă*, *ne quă* (or *quā*), and in the neuter plural *qua* instead of *quae*.

20.] *Is* has a remarkable declension, the simple stem *i* being sometimes increased by -*i* to *ei*, sometimes turned into an -*o* stem, *e-o*, and in feminine to an -*a* stem. In the oblique cases *i* has been generally changed to *e* for the sake of euphony, as the vowel *i* does not occur as an initial in Latin before *a* and *o*, and rarely occurs before another *i*. Cp. *ire*, *it*, but *eamus*, *eo*, *eunt*.

Sing.	*Old Form.*			*Ordinary Form.*		
Nom.	i-s,		i-d, (eo-d).	i-s,	e-a,	id. cp. ad-eo(d).
,,	e-*i*-s,					
,,		e-a,				
Acc.	i-m, e-m,			eum,	eam,	
,,	e-o-m,	e-a-m,				
Gen.	e-*i*-us.			eius.		
Loc.	e-i.			ei (!).		
Dat.	i-ei, e-*i*-ei.			ēi, ĕi.		
Abl.	e-ō-d,	e-ā-d,	e-ō-d.	eō,	eā,	eō.
Plur.						
Nom.	e-*i*s,		e-ā, e-ā(d).	ii,	eae,	eă.
,,	i-*i*,					
,,		e-a-*i*,				
Acc.	e-o-s,	e-a-s,		eos,	eas,	eă.
Gen.	e-o-rom,	e-a-rom,	e-o-rom.	eorum,	earum,	eorum.
Loc.	i-is, e-is.			iis, eis.		
Dat. Abl.	ī-bus.			iis, eis.		
,,	i-*i*-bus (!),	e-ā-bus.				
,,	ī-bus,					

Like *i-s* is declined *i-dem*.

21.] *Peculiarities of declension* in stems *ho-*; *quo-*; *i-*, *eo-*. Benfey derives the stem *ho-* from an original *gha*, found in Sanskrit as an enclitic *gha*, *ghā*, and in Greek as γε, γα (Doric), just as the stem -*co*, -*ce* is in Latin (see Corssen, Kr. N. p. 89).

22.] The stem *quo-*, *co-*, or *cu-*, originally *kva-*, Sanskrit *ka-*, Greek κο-, πο-, Oscan and Umbrian *po-*, Gothic *hva-*. This is a most widely used stem in Latin, appearing not only as *quo-*, *qua-* in *qu-ī*, *qui-s*, etc., and in the adverbs *quam*, *quamde*, *quamquam*, *quamvis*, *quando*, *quo*, *qua*, *qui*, *quidem*, *quoque*, etc., but as *co-*, *cu-*

in *cuius, cui, cum, ne-cubi, ne-cutro, ne-cunquam,* and *-u* in *ubi, uter, uti, ut, utique,* etc.

23.] The stem *i-*, increased to *ei-, eo-*, is compared by Curtius (G. E. p. 355) with Sanskrit *ja-*, Zend *za-*, Greek ὁ, ἁ, ἡ, ὁ-ς, ὡς: cp. *iam*. Corssen compares it with Sanskrit *i-ha, i-tas; ē-ta-t, ē-sha*, etc., and with Oscan *i-z-i-c, eí-so-d, ē-ki-k*, etc., and Umbrian *ē-so, ē-su-k, ē-su-f* (i. p. 386). It is declined throughout in Gothic *is*; *is, imma, ina*, etc.

24.] *Nominative Case.* The masculine *i-s* generally preserves the simple stem. We find it raised to *ei-s* in Lex Rep., B.C. 123, C. 198, beside *is*. It occurs not more than three times; e. g. line 9, 'Sei *eis* volet sibei patronos in eam rem darei;' and line 24, 'Tum *eis* pr(aetor) facito, utei *is* unde petetur . . . indices . . . legat.' The longer form in the neuter is preserved only in *ad-eo*, for *ad eod.*

Eis-dem also is found in inscriptions:—'[Ser . Sulpic]ius . Ser . f . Galba . cos . pavimentum . . . . . . t . *eisdem*que probavit,' (from Terracina,) and 'Q. Vibius . L. f. Dianae . v. s. *eisdem* aram d. s. f. c.' (ap. Fabretti, Gloss. s. v.).

25.] *Hic* (*ho-i-c*) is of course originally long, but it is sometimes shortened in the poets; e. g. Lucr. iv. 921:—

'Sensus *hĭc* in nobis; quem quum dolor impedit esse.'

And Verg. Aen. iv. 22:—

'Solus *hĭc* inflexit sensus animumque labantem.'

Ib. vi. 792:—

'Hic vir *hĭc* est tibi quem promitti saepius audis.'

But it is generally *long* in Vergil, and so Hor. Sat. i. 9. 50:—

'Nil mi officit unquam
Ditior *hīc* aut est quia doctior.'

And Juv. i. 161, cp. Pers. i. 28:—

'Accusator erit qui verbum dixerit; *hīc* est.'

Hōc (for *hōd-ce*) is hardly ever shortened. See Lucian Müller, De Re Metr. p. 343, who emends two passages in which it is shortened, from Seneca and the Priapeia. It seems, however, to be found in Lucilius: see below on Lucil. ix. 3 and 12.

26.] The relative *quī* is always long in inscriptions, appearing very frequently as *quei* (e. g. over 250 times in C. I. L. i); once as *quē* (C. 1297, Ep. Protag.). *Quis*, as a relative, is found

elsewhere, but very rarely, and in the sense of 'whoever,' like *quisquis*: e.g. in the foedus Latinum, 'pecuniam *quis* nancitor habeto' (Fest. s. v. nancitor); in the Lex Silia de ponderibus publicis, 'cum *quis* (*qui*, Mommsen) volet magistratus multare... liceto' (Fest. p. 246 M); Cato, R. R. 145. 1, 'homines eos dato qui placebunt, aut *quis* eam oleam emerit;' Gell. iv. 12. 2, 'item *quis* eques Romanus equum habere gracilentum aut parum nitidem visus erat, impolitiae notabatur.' Cp. Neue, i. p. 158.

The interrogative *quī-s* is sometimes raised to *quī*, esp. when we mean, What sort of? Who was it that? e.g. '*quae* haec daps est, *qui* festus dies?' Liv. And. Od. i. ap. Prisc. vii. 40. p. 752 P; '*qui* Chaerea?' Ter. Eun. 824.

In the neuter *quid* is generally substantival and *quod* adjectival: e.g. Cic. Verr. iv. 21, 47, '*quid* hoc est? *quod* monstrum, *quod* prodigium in provinciam misimus?' And so in indirect questions we write 'nescio *quid* mali,' but 'nescio *quod* oppidum.' (See further, Neue, i. pp. 163, 164.) There are no doubt exceptions to this rule.

Similarly the compounds of *qui*, *quis* make -*quod* when used adjectivally, and -*quid* when used substantivally. *Aliqui* is the rarer form, but is often used by Cicero. *Aliquae* for *aliqua* occurs once, in Lucret. iv. 263:—

'Tamquam *aliquae* res | verberet.'

Qui-s is sometimes used for the feminine, e.g. by Ennius, Pacuvius, and Plautus, but not in inscriptions; as

Enn. Trag. 133 V. (ap. Non. iii. p. 197 M):—

'Et *quis* illaec est, quae lugubri
Succincta est stola?'

Pacuvius, [Medo] v. 239 Ribb. (ibid. and cp. Varr. L. L. 6. 60):—

'*Quis* tu es mulier quae me insueto nuncupasti nomine?'

Plaut. Aul. 138 Wagner:—

'Da mi óptuma feminá manum :: ubi eást? *et quis* east nam óptuma?'

And 168:—

'Díc mihi quaeso; *quís* east quam vis dúcere uxorem? :: éloquar.'

And others. Cp. 'Quaeso igitur, *quisquis* es, mea mulier.' Caecil. v. 267 Ribb. (ap. Non. l. c.)

27.] *Accusative.* We find IM, EM in Festus, and in quotations from old laws, showing that the stem was not at that time raised to *eo-*; e.g. Ep. s. vv. *em*, tum; *emem*, eundem; *em* pro *eum*; *im* pro *eum*. So XII. Tabb. i. 1, 'Si in ius vocat, ito: ni it, antestamino: igitur *em* capito;' viii. 12, 'Si nox furtum faxsit, si *im* occisit, iure caesus esto;' x. 9, 'Cui auro dentes iuncti escunt, ast *im* cum illo sepeliet uretve, se fraude esto.'

The form *emem* is evidently a reduplicated form, like *quisquis*, *quidquid*, *uteruter*: cp. *meme*, *tete*, etc. *Em* = tum, gives us a hint as to the derivation of the latter as accusative of stem *to-*: **to-m* = tum or tun-c, just as *em* = *eom, eum.

28.] The adverb *huc* is originally *hoc*, 'to this place,' and so is frequently written in Plautus; and so once in Vergil, Aen. viii. 423:—

'*Hoc* tunc Ignipotens caelo descendit ab alto.'

And in Cicero's Epistles it is not uncommon: cp. also *ad-huc* = ad hoc.

The forms *hon-c*, *quom* must at one time have been frequent in old Latin: *honc*, however, is only once found in inscriptions (Ep. Scip. C. 32), '*honc* oino,' etc., and once *ho(n)c*, C. 1253, an epitaph from Pompeii, '*Hoc* liberteis meis et libertabus locum concess(i),' unless *locum* is here neuter (cp. *loca*), while *quom* is confined to the adverb = quum, or cum; e.g. S. C. Bacch, '*Quom* ea res consoleretur:' cp. *quondam*. *Quam*, *quamquam*, *quamvis*; *quom*, *quum*, *cum*; *quod*, are used adverbially, just as *tam*, *tum*, *tunc*; *nam*, *num*, *nunc*, and as *em*, according to Festus, just quoted: see below, Class iii.

29.] In the *Genitive* case the *i* has generally become consonantal, and in the old poets the forms *huius*, *cuius*, *eius* are often monosyllables. The following inscription occurs in Gruter, 44. 3, in which *huis* stands for *huius*:—

'Romae, in collegio Jesuitarum (e Manutio).

SIGNVM
HERCVLIS
DORVS . LARC
DISP . QVI . ANTE . VILLICVS
HVIS LOCI
D . D'

We find perhaps *quo-ī-us* once in Ep. Scip. Barbat. (see note):—

'Quo-ī-us fórma vírtuteí parísuma fúit;'

for so it seems, on the whole, safest to scan the line, there being no other instance of a shortening the *is* in the superlative, as Bücheler points it:—

'Quoiús formá virtútei párĭsumá fúit.'

Nevertheless it is an isolated instance, and the line may be scanned in another manner without shortening the *-is*.

Hoius, instead of later *huius*, occurs in the forms *hoiusce* (Lex Rep. C. 198, 56), *hoiusque* (Tit. Baebat. C. 603, 4). *Eiius*, mentioned by Priscian, i. 18. p. 545 P, is merely an instance of the mode of writing II for J, or consonantal I, and has no etymological importance. See above, ch. ii. p. 10, iii. p. 16.

30.] *Locative.* *Hei-c* or *hic* is evidently a locative (for *ho-i-c*). *Hei-c* occurs on the milestone of Popilius (C. 551, B.C. 132), etc., and *heice* (C. 1049, Epitaph of Protogenes).

Quei (for *quo-i*), later *quī*, and *quī-n(e)*, *qui-ppe*, usually interpreted as ablatives, are probably locatives in form. If they are ablatives they are increased with the *i*, not as the nominative and genitive, but after the termination: cp. Greek τουτῳί, οὑτωσί.

The full form *quo-i* is, however, found in some places in Plautus with a genitive sense, in conjunction with *modi*: compare *isti* modi,' etc. Ritschl would introduce it in the following places in the form *quoimodi* or *quoiquoimodi*.

Menaechmi 572:—

'Rés magis quáeritur, quám cluentúm fides
Quoímodi clúeat.' [In his text he had printed *quoiusmodi*.]

Bacch. 400:—

'Sísne necne ut ésse oportet, málus bonus *quoiquoímodi*.'

Pseud. 741:—

'Múrrinam passúm defrutum mélinam mel *quoiquoímodi*.'

And also probably in Most. iii. 1. 110, 2. 132, 3. 5; v. 1. 68: Rud. i. 1. 1; ii. 4. 8. 10: Trin. ii. 4. 100 (i.e. 501): Persa, iii. 1. 58 (Opusc. Phil. ii. pp. 726, 727).

In Trin. 1126 Ritschl reads :—

'*Quoíus* fides fidélitasque amícum erga aequiperét tuam ;'

but B. reads *quoi*, the others *cui*, and there seems no reason against receiving it as a genitive locative.

Cuimodi and *cuicuimodi* are not unknown in later authors, e. g. Cic. pro Rosc. Am. 95 (above, xiii. § 14), 'Vereor enim *cuicuimodi* es, T. Rosci, ne ita hunc videar servare ut tibi omnino non pepercerim :' and '*Cuicuimodi* agam,' Ad Att. iii. 22, ad fin. ; xii. 19 : De Leg. ii. 5. 13.

The adverb *quia* is explained by Corssen (ii. 850) as a contraction of the (ablative) *quī-iam*, like *et-iam*, *quon-iam*, with loss of the *m*. May it not, however, be a neuter plural from *quis*, declined as an *i* stem ? It is generally scanned as a pyrrhic, the first syllable being always short, and the last almost always. It is long, however, once in Phaedrus, Fab. i. 5. 7 :—

'Ego prímam tollo nóminor *quiá* leo.'

And in Auson. Prof. 8. 7 :—

'Sed *quiā* nostro docuere in aevo.'

31.] *Ei*, used as genitive, is perhaps doubtful. '*Ei rei*' (Trin. 522) may probably be a dative ; but *eae*, i. e. (*ea-i*), is found in Cato, R. R. 46.

The interjection *ei*, *e* may perhaps be regarded as a locative of this stem (cp. *hui*), or rather it shows how a simple sound, *e*, *i*, may become a pronominal root. *E* appears in *e-cce*, *e-n*, *e-quidem*, and in the adjurations *e-Castor*, *e-Quirine* (Fest. Ep. s. v.), *e-Juno* (Charis.), *e-di* ('O God !' Titin. ap. Charis. 5. 12. 111 Ribb.), *e-de-Pol* ('O God Pollux !'), *e-dio-Fidio*, *e-dius-Fidius* (Charis. pp. 183 P, 117 L). The passage of Charisius may be quoted :— '*Medio Fidio* per Iovem aut fidem filiumve Iovis Herculem quae iuratio propria virorum est, ut feminarum *edepol*, *ecastor*, *eiuno* ; denique Titinius in Setina, molliculum adulescentulum cum reprehendere magis vellet,

"An (inquit) quia pol *edepol* fabulare, *edi medi*."

Edi Titinius in Barbato,

"Id necesse respondet, *Edi*"

pro *e dius fidius*.'

32.] The *Dative* is sometimes formed from the increased stem, sometimes from the simple stem.

Ei-ei occurs seven times in Lex Rep. c. B.C. 123, C. 198, and *ei-i* or *ēi* in Plautus, Curcul. iv. 3. 12, Casin. Prol. 35. 37; e. g. Casin. Prol. 37:—

'Est éi quidam sérvus qui in morbó cubat.'

And *ēi* in Lucret. ii. 1136:—

'Nec facile in venas cibus omnis diditur *ei*.'

Iei is found three times in Lex Rubria, B.C. 49, C. 205.

Quo-i-ei again occurs several times in inscriptions (Ep. Scip. C. 34, Lex Rep. 198. 10, Lex Agr. 200. 68). On the other hand, *quo-i* is very frequent, occurring also on the walls of Pompeii and in the poems of Lucretius and Catullus. In fact it was the recognised form up to the time of Quintilian.

Hoice occurs once in Lex Bantina, C. 197. 26, '*Hoice* leegei.'

33.] *Ablative.* The full forms in *d* are almost unknown in these pronouns. In Trin. 34 sq. the best MSS. read—

'Nimioque hic pluris pauciorum gratiam
Faciunt pars hominum quam id *quod* prosint pluribus.'

And so 807:—

'Diem conficimus *quod* iam properatost opus.'

See Ritschl, Neue Plautinische Excurse, i. 58.

34.] *Nominative Plural.* The peculiar forms in *-eis*, *-es*, *-is* have been mentioned under the *o* declension, where instances of *his-ce* have been given. *Heis* is found C. 1059 and 1071, *heisce*, C. 565, 566, 567, 569 (all Tit. Mag. Camp.) and 1478. *Is* and *qui* have them also to some extent, perhaps in part owing to their apparent conformity in the nominative (*i-s* and *qui-s*) to the *i* declension. *Eeis* occurs once in the Bacchanalian decree (C. 196. 4), while *eis* is pretty frequent in inscriptions (Lex Bant. v.c. 621–636, C. 197, Lex Rep. v.c. 631, C. 198, 26, 57, 67, Sent. Minuc. v.c. 638, C. 199), and we find *ieis* once in Lex parieti faciundo, v.c. 649, C. 577.

Ques is only found, as far as inscriptions go, in the Bacchanalian edict (C. 196. 4. 24), where it seems to be used with an idea of distinguishing the indefinite (*quis*) from the relative, as in the phrases 'Sei *ques* esent *quei* sibei deicerent necesus ese Bacanal habere;' 'Sei *ques* esent *quei* arvorsum ead fecisent.' But it is

quoted by the old grammarians apparently without such a distinction, e.g. Charis. p. 70 P, '*Ques* autem dixisse veteres testimonio est Cato qui ait Originum II, "*quescunque* Romae regnavissent," et Pacuvius—

"*Ques* sunt ii ignoti, nescio *ques* ignobiles,"

and Priscian, xiii. p. 960 P. Pacuvius, in Medo, "*Ques* sunt isti?" Accius, in Neoptolemo, "Sed *quesdam*."'

35.] The length of the neuter *a* is evident in such forms as *post-hā-c*, *ante-hā-c*; *post-eā*, *ant-eā*, *quā-propter*, *post-illā*, etc., forms in which the old termination in *hā-c*, *quā*, not increased by *i* to *haec* and *quae*, is preserved. Compare above, ch. ix, § 8.

The form *qua* is elsewhere confined to the indefinite or negative *aliqua*, *si qua*, *nequa*. *Quai*, accusative plural, occurs once, Lex Rep. C. 198. 34, 'Ea *quai* ita conquaesiverit.'

The unique form *ead* occurs S. C. Bacch. C. 196. 25, 'arvorsum *ead*,' which Bopp holds to be an accusative, Ritschl an ablative (Neue Plaut. Exc. pp. 82, 83, and see note on the inscription.) In the feminine *hae-c* for *hae* is much more common than is generally supposed. See a considerable list of passages from the best MSS. of Cicero's Tusc. and De Offic., and others, by Fleckeisen, Beiträge zur Lat. Gr. in Rhein. Mus. N. F. vii. for 1850. It is found also (besides Plautus and Terence) in Livy, Vergil, Varro, and Lucretius; e.g. Verg. Geor. iii. 305:—

'*Haec* quoque non cura nobis leviore tuendae.'
(Frag. Vat. et Rom.)

Aen. vii. 175:—

'*Haec* sacris *sedes* epulis.' (Rom.)

Lucret. iii. 601:—

'Conquassatur enim tum mens animaeque potestas
Omnis et *haec* ipso cum corpore conlabefiunt.'

Ib. vi. 456:—

'Inde *haec* comprendunt inter se conque gregantur.' (Sc. *nubes*.)

Lucretius, observes Mr. Munro, never uses *hae*. In iii. 601 *haec* may, however, possibly be neuter.

Hi-c, in the masculine, for *hoi-ce*, appears once in Varro, L. L. vi. 73, 'Itaque *hic* quoque qui dicunt in Astraba Plauti e. q. s.'

36.] *Genitive*. The older forms in *-om*, *-um* are generally super-

seded by those in *-orum*, but we find *cuium* in Charis. ii. 136 P, 'Pluraliter quae, quorum aut *cuium*, quis aut quibus, quae, quis aut quibus;' from lengthened stem *quoi-*, and possibly *quoium* in Plaut. Trin. 534, and *eum* in Lex Jul. B.C. 45, C. 206. 52, in the formula, after a plural antecedent, '*Eum* h(aec) l(ege) n(ihil) r(ogatur),' parallel to '*Eius* h. l. n. r.;' and so Fest. Ep. s. v., '*Eum* antiqui dicebant pro eorum.'

37.] *Locative.* *Eis*, *queis*, or *quis*, *heis*, *his* are very common. Besides these we find *eeis* (S. C. Bacch. C. 196. 5. 25), *ieis* (C. 214. 1. 8. 34) and *is* (198. 48), and Lex Malacit. ap. Henz. 7421. 16. 21, (or Bruns. Fontes. p. 98), and other inscriptions.

Compare Enn. Ann. 279 V.:—

> '*Is* pernas succidit iniqua superbia Poeni;'

and so for *iis* frequently in the oldest MSS. of Cicero (Fabretti, Gloss. s. v.).

38.] *Dative* and *Ablative*. On one side we have *quĭbus*, *ĭbus*, formed from the simple stem, on the other, *hībus* for *ho-i-bus*. The MSS. of Plautus seem to confuse the two forms, but Ritschl and Fleckeisen restrict the long vowel to *hībus*, though there is no real reason why there should not be a form of this case from the increased stem of *is*, just as in the *dative singular* we get *ei-ei*, *ēi*, as well as *ĕi*, and *quo-i-ei*, as well as *quo-i*.

The following are instances of *hībus*. Varro, L. L. viii. 72, 'Et non debuit dici *quibus* das *his* * das; est enim ut ei, qui, his, quis; ac sicut quibus *hibus*.' [Should not we read 'ut ei, *quoi*,' or '*cui*.'] Cp. Charis. i. 17, 6 and Prisc. xiii. 15, who refer to Plautus, Curc. 506:—

> 'Eodem hércle vos pono ét paro: paríssumi estis *híbus*.'

Ritschl reads, according to some MSS., in Mil. 74:—

> 'Latrónes, *hībus* dínumerem stipéndia.'

Instances of *ĭbus* are, Trucul. i. 2, 14:—

> 'Ibíst *ĭbus* pugnae et vírtuti de praédonibus praedám capere,'

but Spengel *ībus*. And perhaps Rud. Prol. 73:—

> 'Sedént eiecti: návis confractást *ibus*,'

but Fleckeisen *eis*, and MSS. *iis*. Titin. ap. Non. Ribb. 59:—

> 'En ecástor, si morátae sitis ámbae *ibu'* prout ego móribus,'

but Ribbeck *ībus*. *Eābus* occurs in Cato, R. R. 152.

39.] *Class* iii. We have reserved for this class the defective stems, *so-*, *to-*, and others.

The stem SA-, SO-. *So-* occurs in *ip-so-s,* and in Oscan *ei-so-d,* etc. Umbrian *ē-so, e-su-k,* but also uncompounded in some of its cases. It seems to correspond to Sanskrit *sa, sá*=he, she; Greek ὁ, ἁ, ἡ, Gothic *sa, sô, the* (masculine and feminine), *si,* English *she,* German *sie.* (Curt. G. E. p. 353.) Thus we find in Pacuvius, v. 324 Ribb. *sa-p-sa* = i-p-sa; and the accusative, singular and plural, *sum, sam, sos, sas,* in Ennius: e.g. Ann. 102 Vahl.:—

'Astu non vi *sam* summam servare decet rem.' (ap. Fest.)

Ib. 228:—

'In somnis vidit prius quam *sam* discere coepit.' (ap. Fest.)

Ib. 22:—

'Constitit inde loci propter *sos* dia dearum.' (ap. Fest.)

Ib. 103:—

'Virginis. Nam sibi quisque domi Romanus habet *sas.*' (ap. Fest.)

And elsewhere, e.g. 'ni *sam* delapidassint,' XII. Tab. vii. 7.

Sei-c, sī-c, sei, si look like *locatives* of the *same* stem, but analogy teaches us to refer them rather to a pronoun *sva, svi.* So Oscan *svai,* Umbrian *sve*=Latin *si.* Cp. Goth. *sve,* 'as,' and Goth. *sva,* English *so.* There is a trace of this in Festus' *suad ted*=sic te.

This preposition appears also in the difficult word *si-remps,* or *siremp-se,* in the phrase '*siremps* lex esto' (Lex Rubria, Lex Agraria, etc.), and in Plaut. Amphit. Prol. 73.

'*Sirempse* legem dixit esse Juppiter,'

(according to Scaliger's felicitous restoration) = similis, similem. Ritschl explains this as a contraction for *si-re-ea-pse, sirepse,* the *m* being merely euphonic, as in *cu(m)bo, ru(m)po,* and so the *meaning* of the word would be exactly = '*sic re ipsa,*' our 'exactly so.' (Rheinisch. Mus. N. F. 8, p. 298 sq. for 1853.) Corssen explains it as equal *si-rem-p-se,* 'so in fact so' (i. 777, ii. 847), where see more on the whole subject.

There can scarcely be any doubt, also, that the common adverb *sei, si,* late Latin and Italian *se,* 'if,' is really the same word, both in its simple form and in the compounds *sei-ne* (Lex Rep.), *si-ne; sei-ve* (Legg. Bant. Rep. Agr., etc.), *si-ve, seu; ni-sei, ni-si, ni-se* (L. Rub.); *qua-sei, qua-si, qua-se* (Quint. i.

7. 24. The transition from 'there,' 'in that way,' 'in that case,' 'in case that,' to 'thus' and 'if' is very easy.

The adverb and conjunction *sē*, *sed* are probably to be treated as ablatives of the reflexive pronoun not of the stem *sa-*. See above, § 10.

40.] This stem, like *eo-*, *ee-*, and γα-, γε- in Greek, has become enclitic, especially in combination with another enclitic *-pe* (also in *pro-pe*, *nem-pe*, *quip-pe*, etc.).

In *ip-so-s*, *sa-p-sa* we have seen the same combination, in which *so-* is declined. We have also forms like *eo-p-se*, *ea-p-se*, *eum-p-se*, *eam-p-se* (chiefly from Plautus), formed from an otherwise defective * *is-p-se*, and declined like *i(s)-dem*, *i-dem*, in which the last half of the pronoun is enclitic. So *reapse* = re-ea-p-se, i. q. re ipsa, e. g. in Plaut. Truc. iv. 3. 41, as corrected by Camerarius:—

> 'De istoc, ipsa, etsi tu taceas, *reapse* experta intellego.'

And Pacuv. 26 Ribb. ap. Fest. Ep. s.v. :—

> 'Si non est ingratum *reapse* quod feci,'

as well as Cic. de Leg. iii. 8, 18; de Rep. i. 2; de Div. i. 37, 81, etc., etc.

We find also *se-p-se* in Cic. de Rep. iii. 8, 12, '(Virtus) quae omnes magis quam *sepse* diligit.' Cp. Sen. Ep. 108, 32.

41]. *Stem* TA-, TO-. This stem, though declined throughout in the compound *is-to*, is defective in itself, and its cases have an adverbial character.

In Greek the stem appears in αὐ-τός, οὗ-τος, and the oblique cases of the definite article.

The original vowel is preserved in *tam*, *tam-quam*, *ta-ntus*, *tan-ti-dem*, etc., becoming *o* in cases of *is-te*, and *u*, *e* in *tum*, *tun-c*; *i-tem*, *au-tem*.

With *au-tem* we must class the similar compound, Oscan *au-ti*, Umbrian *u-te*, *o-te*, Latin *au-t*, and probably *a-t*, *e-t*, all shortened forms of a *locative*. A similar *locative* is *u-tei*, *u-ti*, *u-t*. The original *ablative* in *ā* is retained in *i-ta*, *i-taque* ('this wise'), *aliu-ta* ('other wise'). The length of the vowel is preserved in the line of Naevius' epitaph:—

> '*Itāque* póstquam est órci tráditús thesaúro.'

With *ita*, *item* compare εἶτα, εἶτεν, the latter being an Ionic form, found also in some MSS. of the N. T., as Mr. Burgon informs me,

42.] From a stem DA-, DO-, similar to TA-, are the adverbs and enclitic terminations *-dam*, *-do*, *-dum*, *-dem*, *-de*, e. g. in *qui-dam*, *quon-dam*; *do-nec*, *do-nicum*, *quan-do*; *dum*, *age-dum*, *vix-dum*, *inter-dum*; *tan-dem*, *qui-dem*, *i-ti-dem*, *i-den-ti-dem*, *pri-dem*, *in-de*, *quam-de*, etc., etc. That these hang together, and to some extent represent duration of time, as *tum*, etc., do a point of time, seems evident. Whether Corssen is right in allying them to root *div-*, and its many derivatives, is a much more difficult question (Kr. B. p. 504, and Aussp. ii. 855, 6, etc.; cp. Curt. Gr. Et. p. 561). The following forms certainly show the constant parallel which exists between the noun and the pronominal stem :—

prope-diem, *pri-dem*, { *pri-die*, *postri-die*, *cotti-die*, *per-endie*; *in-de*, *dein-de*, *exin-de*, *perin-de*, *proin-de*, *subin-de*, *un-de*, *ali-cunde*, *undi-que*, *quam-de*, etc.

per-dius, *inter-dius*, *inter-diu*;

du-dum, *inter-dum*, *nec-dum*, *non-dum*, etc., etc.

The identification of the two stems is, however, on the whole, improbable. The preposition *dē* is an ablative from stem *da-*, just as *sē*, *se-d* from *sa-*. The Oscan retains the oldest form, *dat* = de.

43.] On the other hand, *ia-m*, which Corssen explains as = *diam, is probably more closely connected with the stem JA-, YA-, which we have mentioned above as related to *i-s*, and Greek *ὁ*, *ἡ*, *ὅ-ς*, 'he.' The gloss *em* = tum (Fest. Ep. s. v.) shows an obsolete adverb forming a close parallel to the formation of *jam* from *ja-*. The affirmatives *sic*, *nai*, or *nae* may be compared also with the German *ja*, our *yea*, from the same stem, and with *et-iam*.

Whether YA- is originally short for DIA, is uncertain. The parallel of δή, ἤ-δη, δήν, in Greek, makes it not altogether improbable, since δή is as nearly like to *iam* as δήν is to *-dam*, *dum* ('a long time'). *Iam* appears in a modified, i. e. not temporal sense, in *quis-p-iam*, and generally in *etiam*, *quoniam*.

44.] Another stem, or pair of stems, with modifications of form and meaning nearly parallel to the two last, are NA-, NO-, and AN-. The second appears, originally, to be a compound of the first with A; and, as a preposition, means *that*, *the other*, as opposed to *this* (NA). The full form *a-nú*, *ἀ-νά* occurs both in

Sanskrit and Greek. *Ollus* we have already explained as possibly a diminutive of *ono-* for *ana-*. *Alius*, Gk. ἄλλος, Goth. *alja*, Slav. *ali*, cannot however be referred to this stem.

The pure stem NA- occurs in the adverbs *nam*, *nam-que*, *quia-nam*, and in *quis-nam*. It is weakened, on one side, to *o*, *u*, in Umbrian *e-nom*, Latin *num*, *nun-c*, *etiam-num*, Greek νῦν, νυν, νυν-ί, and, on the other, to *e* and *i* in *nem-pe*, *e-nim*, Umbrian *e-nem*, Oscan *i-nim* ('and'), and Greek νιν ('him,' 'her,' 'they'). The variety of ideas expressed by this stem—interrogative, affirmative, temporal, illative, conjunctive, and simply personal—might create surprise, were it not for the opposite parallels of the stems TA-, DA-, and in part I-. Besides these accusatives, there is another *locative* form, *na-i*, *nae*, *nē*, Greek να-ί, which evidently belongs to this stem on the analogy of the affirmatives *sei-c*, *sic*, Italian *sí*, and *et-iam*, though it may perhaps be borrowed directly from Greek. *Ne* is enclitic in *po-ne*, *super-ne*.

45.] The stem AN-, or AN-A, is preserved in Greek ἀνά and its derivatives, and in the Latin *an*, and the preposition *in*, *en-do* and its derivatives. *An*, that is, '*that*,' '*the other*,' is naturally used in hypothetical sentences and questions (cp. the use of ἄν in Greek). We find it occasionally in alternatives, as in two passages of Cicero, ad Att. xi. 6, 7, 'Is dicitur vidisse *an* euntem *an* iam in Asia,' Brut. xxiii. 89, 'M. Cato . . . orationem in Origines suas retulit paucis antequam mortuus est *an* diebus *an* mensibus.' (Corss. Kr. B. pp. 303, 4.) It is found also in composition in the phrases *fors-an*, *for-sit-an* (fors sit an), *fort-as-sis* (forte an si vis), shortened to *fort-as-se*, and *fort-assan*, for *fortasse an*. (Corss. ii. 850.)

In, *endo*, on the other hand, are simply local. They appear in a fuller form in Greek ἐν-ί and εἰς for ἐν-ς or ἐν-ί-ς. The vowel is preserved in Oscan *an-ter*, Umbrian *an-ter*, *an-der*, Sanskrit *an-tar* (cp. Gothic *an-thara*, German *an-der*).

46.] Other defective pronominal stems are CO-, PO-, becoming *-ce*, *-pe*, as enclitics, and *-met*.

Stem CO-. The relation of this stem to that of *quo-* is not very clear. If they were originally identical, as may very well be the case, they become practically distinct, the one retaining the sense of 'who,' 'which,' 'any,' the other the demonstrative meaning 'there.' We have already spoken of *ci-s*, *ci-tra*,

etc., under the comparison of adjectives. The commonest form of this pronoun is the locative enclitic termination *ce* or *que* in *hi-c*, *ne-c*, *ne-que*, *a-c* (for *at-c*), *at-que*, *e-cce* for *ē-ce*, *si-c*, and the other compounds with *quis*, *uter*, etc., etc.

47.] PE appears in the middle of words in *i-p-se*, *rea-p-se*, *quis-p-iam*, *us-p-iam*, and at the end in *qui-ppe*, *nem-pe*, *pro-pe*, *ipsi-ppe*, the latter from Festus, s. v., 'ipsi neque alii.' It evidently bears the same relation to *pa-* as *ce-* to *ca-*, *ka-*, and as the Oscans and Umbrians substitute *p* for *k*, this may, perhaps, be considered as a dialectic form.

48.] PTE, in *meo-pte*, *tuo-pte*, *suo-pte*, *me-pte* (Plaut. Men. 1059), *mihi-pte* (Cato, ap. Fest. pp. 150–154 M.), *vo-pte*, 'vos ipsi' (ib.), is, according to Corssen, not a pronominal form, but contracted for *pote*, as in *ut-pote* (Corss. ii. 575). Prof. Palmer, however, suggests a comparison with the Greek enclitic ποτε, which is no doubt a pronominal adverb, and particularly with a parallel form like τίπτε.

49.] We have another enclitic pronoun in -MET, as *ego-met*, *vos-met*, *sibi-met*, etc., which Bopp explains as formed from a stem *smo-*, traces of which are found in Sanskrit and in the dialects, e. g. Umbrian *e-sme*, *e-smei* = ei, *pu-sme* = cui.

CHAPTER XIV.

CONJUGATION. PERSON-ENDINGS OF THE ACTIVE AND PASSIVE.

1.] THAT which distinguishes a verb from a noun is, as we have already stated, the personal suffix—the pronoun subjoined to the verbal stem. All verbs have these pronouns in all their parts, though not always in an equal state of preservation. The Infinitive Mood, as it is called, including Supine, Participles, etc., belongs, of course, strictly to nominal declension. It is classed with verbs only as being formed from the same stems, and as logically taking the place of verbs, especially in 'oratio obliqua,' and in combination with auxiliaries.

2.] Besides the inflexions of person, which are the final suffixes of verbs, there are three others to which they are subject, those of *voice*, *mood*, and *tense*. The inflexion of *voice* is really one of personal suffix, the Middle, or Passive, being formed by the reflexive action of one personal pronoun upon another. In the original language, followed by the Indic, Iranic, Greek, and German families of speech, the same pronoun was repeated as subject and object; thus Greek φέρομαι is for φερό-μα-μι, etc. In Latin and Irish, as well as in the Slavonic and Lithuanian families, the medio-passive is formed by suffixing the same reflexive pronoun of the third person to all the persons of the active: thus *amor* = amo-se, *amaris* = amasi-se.

3.] The inflexion of *mood* is threefold:—(1) *Indicative:* the mood of direct statement, from which the Imperative cannot be separated as regards the form of the stem. (2) *Subjunctive:* the mood of indirect statement, closely allied to (3) the *Optative*, or mood of hypotheticals or potentials. In Latin these two are moulded into one.

4.] Lastly, we have inflexions of *tense*, which may be distinguished, as they are formed or not from the simple root. In

Latin the *simple tense-stems*, formed from the root, are comparatively few; namely, the originally reduplicated *perfects* and the *presents*, the latter being modified in various ways so as to form four classes or *conjugations* of verbs, parallel to the five declensions of nouns. The number of *compound tense-stems* is larger, viz. the other perfects, the imperfects, the futures, and the pluperfects.

It is comparatively of little moment with which of these elements of division we begin, but perhaps it is more scientific, with Schleicher, to proceed from the more general to the more special forms. We shall therefore take (1) the *personal endings:* (i.) of the active; (ii.) of the medio-passive; (2) the *modal characters:* (3) the *tense-stems:* (i.) simple; (ii.) complex or composite (cp. Schleicher, § 268, foll., from whom the general arrangement of the following pages is derived).

I. *Personal-endings of the Active.*

5.] In Latin there is no dual, but only a singular and plural, each of three persons. The original forms of these suffixes are in the singular the same as the two personal pronouns without gender, of which we treated in ch. xi. MA, TVA, and the demonstrative TA, appearing in Latin in general as *-m*, *-s*, *-t*. In the plural the original forms MA-SI, TA-SI, AN-TI become in like manner *-mus*, *-tis*, *-nt*.

(i.) *First Person singular*, or MA. This is lost in all tenses of the indicative, except in the presents *su-m* and *in-qua-m* and all imperfects and pluperfects, but it is preserved in the subjunctive, to which, or to the optative, the futures above mentioned properly belong: so we have *amo*, *veho*, *amavi*, *vexi*, *amavero, vexero,* but *amaba-m*, *ame-m*, *amare-m, veha-m* (future and subjunctive), *monueri-m*, *audivisse-m,* etc. In those cases where the suffix is lost the vowel has been changed from its original form *a*, to *o*, e. g. *veh-o* for *veh-ā-m*; *tetigī* is, however, probably not for *tetigam*, but for *tetig-ī-m* or *te-tig-īs-m*; *am-o* is a contraction for *ama-o*: cp. Umbrian *subocau* = sub-voca-o.

The evanescence of this final *m* is shown by the dialects. In Oscan we have only one instance of its preservation extant, in *su-m,* and none in Umbrian.

Inquam, it has been suggested by Mr. D. B. Monro, is a future

or optative = inquiam, 'I would say:' but this is not altogether probable.

6.] *First Person plural*, originally MA-SI, Lat. *-mus*. The origin of this suffix is pretty clearly a combination of the two pronouns of the first and second person, and must have signified accordingly 'I thou,' or 'I and thou,' that is, 'we.' SI is, as we shall see, a common form, in which the original TVA appears.

In Latin MA-SI has become *-mus* throughout: cp. Greek (Doric) -μες. No examples exist in the Italian dialects.

This *-mus*, however, unlike the Greek -μες, appears sometimes as a long syllable in old Latin; e. g. Plaut. Curc. 438 (transposed by Fleckeisen):—

'Quia núdius quartus *vénimūs* in Cáriam.'

Lucil. ix. 6. 6:—

'Quae *iacimus*; addes *e*, PEILA ut plenius fiant.'

Cp. the imitations, Verg. Aen. ix. 610, 'Terga *fatigamus* hasta,' and Ovid, Met. xiv. 250:—

'Ire *negabamūs*, et tecta ignota subire.'

Corssen explains this quantity as an intensification of vowel parallel to the old Prussian *as-mai*, and to the Greek aorist termination μη-ν (ii. p. 500).

7.] (ii.) *Second Person singular*, or TVA. This pronoun has gone through great modifications. In Latin (as in Greek οἶσ-θα for Ϝοἶδ-τα) the oldest form has been preserved in the perfect *-tei* or *-ti*, in *gesis-tei*, *restitis-tei* (see below, ch. xvii, § 4). The imperative *-dhi* or -θι is lost in Latin, e. g. in *amā*, *lege*, *fer*, but there are traces of the emphatic *-tōd*, *-tō* answering to the Vedic *-tāt*, originally, according to Schleicher, § 272, a doubled pronoun. This *-tōd* appears once in old Latin (but in the third person), in a fragment of the regal laws ascribed to Romulus, 'sacra divis parentum *estod*,' and it is found for both second and third persons frequently in the shortened form in *-tō*. In Oscan we have (in the third person) *estud*, *licitud* = esto, liceto, and in Umbrian *pihatu*, *feitu*, etc., = piato, facito.

The ordinary modification in Latin, as in Greek, is simply *-s*, earlier *-si* (Greek ἐσ-σί), a weakened form of *-ti*. It is conjectured that this arose from an effort to dissimilate the second from the third person, when the original TVA weakened to TA; TVA, *-ta*, *-ti* becoming *-si*, *-s*, and TA becoming *-ti* (*-si*), *-t*.

So in Latin, we have *ama-s*, *amaba-s*, *veh-i-s*, *veh-e-s*, etc., and in Umbrian *herie-s* = voles. We find *scribīs* once, Hor. Sat. ii. 3, 1.

8.] *Second Person plural*, or TA-SI. A comparison of Latin *-tis*, and Sanskrit dual *-thas*, together with the analogy of the other terminations, lead us to assume the form TA-SI as the original, which must have meant 'thou, thou,' or 'thou and thou,' i.e. 'you.' The suffix *-tis* is preserved in all cases except the imperative, which is shortened (as the Greek is in general) to *-te*. The emphatic form *-tōte* is also found in this mood, and in the Umbrian *fu-tuto*, though generally denoting the third person.

The ending *-tis* is rarely lengthened, as in El. Scip. iv. C. 34:—

'Ne *quaíratīś* honóre queí minus sīt mandátus.'

9.] (iii.) *Third Person singular*, or TA. This demonstrative pronoun appears, as we have seen, in *is-te*, *ta-m*, and many other pronominal forms. It is shortened first to *-ti*, and then to *-t*, the latter being the ordinary form in Latin and the dialects. In early and vulgar Latin, and in Umbrian, it has a strong tendency to drop away, and in Oscan, as occasionally in Latin, it is often weakened to *-d*. Thus we have *dede* for *dedit* (C. I. L. i. 62 *b*, 169, 180), and *fecid* for *fecit* on the Cista Ficoroniana. In Umbrian, beside *es-t*, *fus-t*, we have *si* = sit, and *fus* = fuerit; and in Oscan, beside *ist*, *fefacust* = fecerit, we have *fefaci-d*, *dede-d*, etc. Of the omission of final *t* in vulgar Latin, we have the following instances from Pompeii, *ama*(*t*), *es*(*t*)?, *nosci*(*t*), *peria*(*t*), *relinque* = relinquit, *valea*(*t*)?, *valia*(*t*), *vota*(*t*), C. I. L. iv. Index, p. 259. Most of them, however, are from a single rather difficult inscription (No. 1173, cf. add. pp. 203, 222), which seems to begin thus:—

'Quisquis ama(t), valia(t); peria(t), qui nosci(t) amare
Bis [t]anti peria(t), quisquis amare vota(t),'

where the forms *nosci*(*t*) = non scit or nescit, and *vota*(*t*) = vetat, are remarkable. Similarly, according to Rönsch, the Codex Claromontanus reads, in Rom. ix. 18, 'cui *vul* deus miseritur, quem autem *vul* indurat' (Itala, p. 470). Of final *d* for *t*, we get from Pompeii *atcesid* (adcessit), *diced*, *inquid*?, *pedicar*(*i*)*d*, *rogad* (C. I. L. iv. Index, p. 257 *b*).

10.] According to classical usage, all words ending in a vowel

followed by *t* (as well as *b* and *d*) have the last syllable short, and the personal endings of verbs are no exceptions. In early Latin the quantity of the long vowels, *ā*, *ē*, *ī*, in *amāt*, *monēt*, *audīt*, was preserved, and the thematic or binding vowel *i*, in *fac-i-t*, *pet-i-t*, etc., was often made long.

A large number of instances of the preservation of the characteristic long vowels, *ā*, *ē*, *ī*, is given by Corssen, ii. p. 488 foll.; cp. Wagner, Introd. to Aulularia, p. xviii; but in almost all, if not in all, the instances quoted from the poets, the syllable falls under the ictus. Such a prosody as Enn. Ann. 386 V,

'*Infīt*, "O cives, quae me fortuna ferocem,"'

is very rare. See further, ch. xviii. § 5, for the termination of the imperfect.

The lengthening of the short thematic *i* is of course more remarkable, and is like the lengthening of the *u* in the first person plural, and of the *i* in the second singular and plural, to be called an intensifying of the vowel, not to be referred to original length. In this case it may be compared to the Greek terminations, -εις, -ει(τ), in λέγ-εις, λέγ-ει(τ). The following instances may be quoted:—

El. Scip. Barb. C. 30:—

'*Subigīt* omné Loucánam ópsidésque abdoúcit.'

Plaut. Men. 921:—

'Pótionis áliquid prius quam *pércipīt* insánia.'

(So Brix and MSS.; but Ritschl *percipiat*.)

Enn. Ann. 346 v:—

'Sensit, voce sua *nictīt* ululatque sub arce.'

Ib. 484 v:—

'Multa foro *ponīt*, et agea longa repletur.'

Lucil. xvii. 2:—

'Cetera *contemnīt* et in usura omnia ponit.'

Cp. the modern imitations in Vergil, Ecl. vii. 23, *facīt*, Aen. ix. 9 *petīt*, x. 433 *sinīt*, and Horace, Sat. ii. 3, 260 *agīt*, ib. i. 4, 82 *defendīt*, Od. iii. 24, 5 *figīt*, etc. (Corss. ii. p. 493.) The lengthening of the perfect termination is much more common, and agrees with the general quantity of the *ī* in that tense, on which see below, ch. xvii. § 3.

11.] *Third Person plural*, or AN-TI, Latin *-ont*, *-unt*, *-nt*. We seem to be right in looking for a double pronoun in this, as in other plural terminations; and while the termination *t* or *ti* is evidently the same as in the singular, the first half is probably another pronoun, AN or ANA, other derivatives of which we have already considered among the pronouns.

In Latin the termination is *-ont* or *-unt* after *i* and *u* or a consonant, and *-nt* after the vowels *a* and *e*. The fuller form in *i*, preserved in the Greek *λέγ-οντι*, *λέγ-ουσι*, is only found in an obscure gloss of Festus, from the Salian hymn, which Müller seems right in printing '*Prae tet* (i. e. ted or te) *tremonti*, praetremunt,'—the first three words being the quotation.

The older form *-ont* is not rare in inscriptions, e. g. *cosentiont*, Ep. Scip., *dederont*, I. Picen. C. 181, *dedrot*, ib. 173, *dedro*, ib. 177, *exfociont*, Col. Rostr., etc. The form in *-unt* appears from about 200 B.C. onwards, e. g. in S. C. Bacch. The shorter form of the perfect termination in *-ere* appears in the oldest inscriptions side by side with the longer. The *o* is retained, as in nominatives of the *o* declension, much longer after *u* or *v* than in other cases. An ending like *minu-unt*, *viv-unt* is not found in inscriptions of the Republic, any more than *equ-us* or *aev-um*. In vulgar Latin there are traces of the *o* in all conjugations.

In the dialects this suffix appears in a somewhat different way. In Oscan the *n* is either dropped, or *nt* becomes *ns*; so we have *set* = sunt, *censa-zet* = censebunt, *stai-et*, (optat.) = stent, cp. Lat. *dedrot*, which is, however, almost unique. On the other hand, we have *fuf-ans* = *fub-ant or erant ?, *deic-ans* = dic-ant, etc. In Umbrian there are similar modifications; first, we find the fuller termination *sent* = sunt, *furent* = fuerint; then a loss of final *t*, *staheren* = stabunt; or a softening of it to *s*, as in Oscan, *dirsans* = dent; lastly, with a loss of *n*, *dirsas*, *arhabas* = adhibeant. (Schleicher, § 276, pp. 683, 684.)

The imperative is an emphasized form for an original *-antāt*. The Latin *fer-unto* is an exact parallel to the Greek *φερ-όντω-ν*, the *ν* being simply prosthetic. The Umbrian *e-tutu* = eunto, *fer-tuto* = fer-unto, is formed, in a different way, from the doubled pronoun TA, lengthened for the sake of emphasis; cp. the formation -TASI, and -TAT.

II. *Personal-endings of the Medio-passive.*

12.] The medio-passive, more often called the passive voice, is formed in Latin in quite a different mode from the Greek, which here seems to preserve the older and more original formation. In Sanskrit, Zend, Greek, and Gothic the middle voice, at least in the singular and third person plural, is formed (as Kuhn was the first to point out) by doubling the personal suffix of the active. Thus *φέρο-μαι* is for *φερό-μα-μι*, *φέρ-η* or *φέρε-σαι* for *φερέ-σα-σι*, *φέρε-ται* for *φερέ-τα-τι*, and *φέρονται* for *φερ-όντ-αντι*, or something similar. In Latin, on the other hand, the same reflexive pronoun is added to all the endings of the active, and the same course is followed by Erse, and the Slavo-Lithuanian languages, though the latter are distinguished by not incorporating the pronoun so thoroughly as Latin and Erse do.

The different persons are thus formed, except the second plural :—

1. Sing.	* amo-se, amo-r,
2. Sing.	* amasi-se, amari-s, amare,
3. Sing.	* amatu-se, amatu-r,
1. Plur.	* amamusu-se, * amamuru-re, amamur,
3. Plur.	* amantu-se, amantu-r.

The *i* or *u* may be either a relic of the longer termination, or a thematic vowel or 'hilfs-vocal.'

So	* amabam-se, * amaba-se, amaba-r,
	* amem-se, * ame-se, ame-r.
And Imperative	* ama-se, ama-re,
	* amato-se, amato-r,
	* amanto-se, amanto-r.

It seems better to suppose that the forms *amabar*, *amer*, etc., are formed directly from the active by evanescence of the final *-m*, than by analogy from the present indicative.

13.] The *second plural* is formed in a different way entirely, as in *ama-mini*, and the archaic imperatives (second and third singular) *antesta-mino*, *profite-mino*, *praefa-mino*, etc. These appear to be rightly explained (following Bopp) as participles, which ought to have an auxiliary verb; *amamini* being nominative plural, and *antestamino* nominative singular, with a loss of

final *-s*. Examples of the latter form are found in Inscriptions (Sent. Minuc. C. 199, *fruimino*; Lex Julia Munic. C. 206, *profitemino* several times) and in old Latin: e. g. ni it, *antestamino*, XII. Tabb. i. 1; Janum Jovemque vino *praefamino*, Cat. R. R. i. 1; and twice in Plautus, Epid. v. 2, 30,—

'Nihil vero obnoxiose : : facto opere *arbitramino*,'

and Pseud. 859:—

'Siquo híc gradietur, páriter [tu] *progrédimino*.'

Operimino also occurs in Apuleius (Met. i. 22), who is fond of archaisms. (Cp. Corssen, Kr. B. p. 492, and Aussp. ii. p. 96). The form in *-minor* for the second plural imperative, which used to be found in our Latin Grammars, and was printed by old editors (e.g. Camerarius and Gronovius) in these passages of Plautus, is never found in literature or inscriptions, or rests on presumably corrupt readings. It is given by the old grammarians (e. g. Prisc. p. 1319 P.), but the best scholars (Madvig, Curtius, and Ritschl) agree that it is to be rejected as of no authority (Schleicher, § 287, Obs.)

It is difficult nevertheless to see how it can be a mere invention of the grammarians. It may perhaps have been a popular form resting on false analogy.

14.] In Oscan and Umbrian we have the same formation as in Latin: e. g. Oscan, *sakarater* = sacratur, *vincter* = vincitur; Umbrian, *emantur*, *herter*; from root *her-*, 'to will,' or 'wish.'

The Umbrian second and third singular, and second and third plural imperative, are peculiar and very obscure; e.g. *persnī-mu* = precator, *persni-mumo* = precamini, precantor. This, like *precamini*, etc., may perhaps be a participle.

In Erse, as has been said, the passive is formed in a very similar way to the Latin; being one of the most striking correspondences between the Italian and the Celtic languages; e. g. *berthar* = fertur, *scribthar* = scribitur, *berammar* = ferimur, *scríbatur* = scribuntur, *bertar* = feruntur.

15.] The *r* or *s* of the third singular and plural is sometimes omitted in old Latin, as in *rogato*, Lex. Rep. 78; *censento*, ib. 77, q. v. *Tollito*, in Numa's Law, Lex Reg. 4, may be for *tollitor*, but is probably active. Compare for the loss of final *s* rather than *r* the forms MAIO, MINO above.

CHAPTER XV.

THE MOODS.

INDICATIVE. IMPERATIVE. SUBJUNCTIVE. OPTATIVE.

1.] THE Indicative is, strictly speaking, not a mood, as it is composed simply of the verbal stem and person ending; and the Imperative in point of form is only the Indicative with more emphatic personal suffixes.

The Subjunctive and Optative moods have, in Latin, been moulded into one, as far as meaning goes, though in form they seem to be still distinguishable.

The proper Subjunctive has in Latin the characteristic modal element *ā*, agreeing with what was probably the original form. Greek has ω or η.

The Optative has the modal element *i*, originally *ja*, which has remained only in one Latin word, *s-iē-m*, in its fuller form.

2.] *The Subjunctive form.* To this belong the present subjunctives of verbs with consonantal stems, with a few exceptions, and with stems ending in vowels except *a*. The optative form in the latter case seems to be preserved to avoid the awkwardness of a double *a*, e. g. in *ama-am*—the Latins having, it would seem, a repugnance to such collocations — and a contraction would have been confused with the indicative. The other instances of optatives present in consonantal stems are peculiarities.

Thus we have as proper subjunctives :—

Sing.	veh-ā-m,	mone-a-m,	audi-a-m,
	veh-ā-s,	etc.	etc.
	veh-ā-t (later -ăt),		
Plur.	veh-ā-mus,		
	veh-ā-tis,		
	veh-a-nt.		

Schleicher considers the rare forms *fuam*, *perduam*, *creduam* to be instances of a conjunctive aorist (§ 289), but this seems very doubtful. *Attigam*, however, is perhaps an aorist. See below, ch. xvi. § 8.

3.] The quantity of the *a* in the third person is preserved in the following instances; Plaut. Asin. 743,

'De argénto si matér tua *sciát* ut sit factum . . . : : Héia;'

Rud. 113,—

'Quem eró praesente [hau] *praetereāt* oratio;'

Terent. Ad. 25,—

'Poétae ad scribendum *aúgeāt* indústriam.'

Cp. Hor. Sat. i. 5, 90,—

'Callidus ut *soleāt* humeris portare viator.'

The same formation occurs in the dialects: Oscan, *potíad*, *potíans* = potiat(ur), potiant(ur), *deicans* = dicant; Umbrian, *façia* = faciat, *habia* = habeat, *arhabas* = adhibeant, etc.

4.] *The Optative form.*

(1.) In the substantive verb, where the original element *ja* is most nearly preserved = Latin *ie* :—

Sing. 1. *s-iē-m* = ἐ(σ)-ίη-ν, εἴην.
2. *s-iē-s* = ἐ(σ)-ίη-ς, εἴης.
3. *s-iē-t* = ἐ(σ)-ίη-(τ), εἴη.

Plur. 3. *s-ie-nt* = ἔ(σ)-ιε-ν, εἶεν.

(2.) Latin *i* :—

s-i-m, *ed-i-m*, *comedim*, *exedint*, *vel-i-m*, *nol-i-m*, *duim*, *creduim*, *interduim*, *perduim*: and all perfect subjunctives, and all but the first person of the second futures.

The vowel *i* of both is probably originally long, but in the usage of the poets it is common. Mr. Roby gives the following as evidence (§ 592) :—

Perfect Subj. *Long.* *dederītis* (Enn.), *fuerīs* (Hor. in hex.), *respuerīs* (Tib.), *dederīs*, *crediderīs*, *contulerīs* (Ovid).

" *Short.* *egerĭmus*, *respexerĭs* (Verg.), *dixerĭs* (Hor. hex.).

Second Future. *Long.* *fecerīmus* (Catull. hendec.), *dederītis*, *transierītis*, *contigerītis* (Ov.), *dederīs*, (Propert., Ov. several times), *dederīs*, *occiderīs*, *miscuerīs*, *audierīs* (Hor. hex.).

" *Short.* *viderĭmus* (Lucr.), *viderĭtis*, *dixerĭtis* (Ov.), *suspexerĭs*, *revocaverĭs* (Verg.), *vitaverĭs*, *detorserĭs*, *accepĕrĭs*, *excepĕrĭs* (Hor. hex.).

(3.) Contraction with termination of stem :—

* *ama-i-m*, *amem*.

* *ama-is*, etc., *ames*, etc. : and so the other tenses imperfect, and pluperfect; e. g. *essem*=esa-i-m or era-i-m. See xviii. § 9.

5.] To the same formation probably also belong the futures indicative of consonantal stems, except the first person, which is borrowed from the subjunctive. In old Latin this was no doubt also once optative in form, and we have still some examples of it preserved to us. Quintilian tells us that Cato the Censor used so to write: 'Quid? non Cato Censorius *dicam* et *faciam*, *dicem* et *faciem* scripsit, eundemque in ceteris, quae similiter cadunt, modum tenuit, quod ex veteribus eius libris manifestum est a Messala in libro de *s* positum?' (Inst. i. 7, 23.)

To the same tense no doubt also belong the glosses of Festus, Ep. s. v., '*attinge* pro attingam posuere,' ib. '*dice* pro dicam,' and *recipie* pro recipiam; and Fest. s. v., '*ostende* ostendam, ut permultis aliis exemplis eius generis manifestum est.' See also on Carm. Arvale 2, '*sins* incurrere in pleores,' for the converse use of the future for the subjunctive, and below, chap. xviii. § 7.

In Umbrian is preserved a still older form than any of these in verbs with *a* stems; e. g. :—

Sing. 1. *aseria-ia-(m)*=(observem).
Sing. 3. *porta-ia-(t)*=portet.
Plur. 3. *eta-ia-ns*=itent.

We have besides :—

Umbrian 2nd sing. *sir*, *sei*, *si*=sis; 3rd sing. *si*=sit, Oscan *síd*; 3rd plur. *sins* : and Umbrian *fuia(t)*, Oscan *fuid* (sit); Oscan 3rd sing. *staít*, 3rd plur. *staíet*, etc.

CHAPTER XVI.

The Tenses. Present Stems.

The tense-stems have been above defined as—

I. *Simple:* { reduplicated perfect, chap. xvii ; present, and stems formed from it, chap. xvi.

II. *Compound*, chap. xviii.

I. *Simple Tense stems.* Although in a Comparative Grammar it may be more scientific to take the perfect stems first, in a merely Latin Accidence it will be more convenient to begin with the present, according to which verbs are classed in conjugations.

1.] *Present stem. The Four Conjugations.* The four conjugations are arrangements of verbs according to the termination of the present stem, an arrangement analogous to that of the five or six declensions of nouns. If all stems, either of verbs or of nouns, were alike in their terminations, there would be only one conjugation and one declension.

There are very few stems which are not modified in some way or other in some part of their conjugation.

The following are a few instances of pure stems, most of which are defective.

(1.) *Pure Consonantal stems:—*

es-t, vul-t, fer-t; es-tis, vul-tis, fer-tis; but *s-u-m, vol-u-mus, fer-i-mus;* see below, *modified stems*, § 3, (2.), (*a.*)

(2.) *Pure Vocalic stems:—*

In *ă*: *dă-re,* but *dā-s.*
In *ā*: *flā-re, fā-ri, nā-re; strā-vi,* (*t*)*lā-tus.*
In *ō*: *nō-vi, pō-tus, aegrō-tus.*
In *ŭ*: *di-rŭ-tus, pŭ-tus,* clean.
In *ē*: *flē-re, nē-re, im-plē-re, delē-re.*
In *ĭ*: *ĭ-s, ĭ-t;* in *ī*, *ī-re; scī-re, cī-re, quī-re.*

2.] The following arrangement of *modified stems* may be considered perhaps the most succinct. I have made use here particularly of the material collected in Merguet's Entwickelung der Lateinischen Formenbildung, pp. 166 foll.

(1.) *Stems modified at the beginning.*

(2.) *Stems modified in the middle.*

(3.) *Stems modified at the end.*

The third class alone, it will be seen, is important in determining the *conjugation* of a verb.

(1.) *Stems modified at the beginning.*

This takes place by *Reduplication*, which is not so common in Latin as in Greek. As instances, may be given *gi-gn-o* for **gi-gen-o*, from root *gen-*, found in perfect and supine. *Si-st-o* for **sti-st-o*; and so *ste-t-i* for **sti-st-i*, from root *sta*, found in *sta-tus*, *sta-re*, etc.; *se-ro* for **se-s-o*, from root *sa*, found in *sa-tus*, etc.; *bi-bo*, from root *pi*, *pa*; Greek, πίνω, πίομαι, etc.

3.] (2.) *Stems modified in the middle.*

(*a.*) *Intensifying of a short vowel*:—

Thus we have in old Latin *īs*, *īt*, *ī-mus*, *ī-tis*, from root *i*, 'to go'. Possibly *ĕ-o*, *ĕ-unt* may also have been once long, like *is* and *it*. The length of the last in old Latin is proved by the instances *eitur*, C. 1166, *adeitur*, 1215. The root is preserved in *ĭtum*, *ĭter*, etc.

Cp. root *dĭc*, in *dĭcax*, *male-dĭcus*, etc.; raised to *deico*, *dīco*.

dŭc, in *dŭcem*, etc.; raised to *douco*, *dūco*.

fĭd, in *fĭdes*, *per-fĭdus*, etc.; raised to *di-feidens*, *fīdo*.

nŭb, in *pronŭba*, etc.; raised to *nūbo*.

Compare Greek φαίνω, λείπω, δείκνυμι, φεύγω, etc.

(*b.*) *Insertion of* n *or* m *after stem-vowel and before a mute* (*nasalization*):—

E. g. from root **cub-*, *cumbo*; **jug-*, *jungo*; and so *findo*, *fingo*; *lambo*, *linquo*; *sancio* (cp. *sacer*), *tango*, *vinco*, etc. This *n* is in Sanskrit *na* or *n*, and in Greek *νυ*; e. g. *ju-na'-ǵ-mi*, *vi-n-da'-ti*, λα-μ-βάν-ω, λα-γ-χάν-ω.

4.] (3.) *Modifications at the end of the Stem.*

(*a.*) *Insertion of a thematic or binding Vowel.* There are very

few verbs which do not insert such a vowel at the end of the stem before the person-ending. It is merely euphonic, and, as the accent does not fall upon it, it takes various shapes. Originally it may be presumed to have been *a*, but in Latin it appears as *o* or *u*, or as *e* or *i*.

Cases where the suffix is applied directly to the stem, such as *es-t, es-tis*; *fer-s, fer-tis*; *vul-tis,* are few in number, and other persons of the same verbs show this vowel as *vol*-o, *s*-u-*m*; *fer*-i-*mus*, etc.

In the case of the third plural, as *sunt, volunt,* it is impossible to say whether the *u* is a binding vowel or the modification of the original suffix -*anti*. There seems no reason why it should not be the latter, and therefore it is better not to adduce them as instances. Like many *u*'s it appears in old Latin as *o*; e.g. in *sont*, *conflovont, coraveront, dederont*. The appearance of the thematic vowel as *e* is rare, e.g. *compon-e-to*, Cato, R. R. 37, 5: *exug-e-to*, ib. 156, 3, which may be mere blunders.

5.] (*b.*) *Increase of the Stem by* n. Sanskrit *na*, *ni*; Greek *νυ*. Instances of this modification are very common; e.g. *cer-n-o, fru-ni-scor, li-n-o, *pos-n-o, po-n-o, si-n-o, sper-n-o, ster-n-o, tem-n-o*; cp. Greek *δείκ-νυ-μι, ζεύγ-νυ-μι, στόρ-νυ-μι, ἐλαύνω* (?). There are in Latin a considerable number of archaic and obsolete verbs formed with this suffix, beside those formed from the simpler stem; e.g. *dan-unt* beside *da-nt*, *explen-unt* beside *exple-nt*; so *ne-quīn-ont* and *ne-que-unt.* Others of this sort are formed from the already lengthened stem; as *fer-ī-n-unt* from *fer-i-o, soli-n-unt*; and so *obīnunt, prodīnunt, redīnunt, inserinuntur. Carinare*, 'to inveigh against,' and *coquinare,* 'to cook,' twice in Plautus, are derived from nouns; but for *carinare* see on Enn. Ann. 181.

Of these words *danunt* is found in Titulus Soranus, C. 1175, and the others mostly in Festus; e.g. s. v. '*nequinont* pro nequeunt, ut *solinunt*, *ferinunt* pro solent et feriunt, dicebant antiqui.' Livius in Odyssea:—

'Partím erránt *nequínont* Graéciám redíre.'

6.] (*c.*) *Increase of Stem by* sc *or* sca, a common modification in Latin. This has often an inchoative meaning, although it cannot always be traced. Examples, *cre-sc-o*, *pa-sc-o*, etc., *gna-sc-or*, *gno-sc-o*. When the root ends in a guttural, it is often

suppressed for the sake of euphony, as *disco* for **dic-sc-o*, *posco* for **porc-sc-o*, cp. *precor*, *procus*, *procax*, etc., *misceo* for **mig-sc-e-o*; or an *i* is inserted after a guttural in *nanc-i-scor*, *pac-i-scor*, *ulc-i-scor*, and perhaps *vir-i-sco* for **vigr-i-sco*. Such an *i* is also found in *ap-i-scor*, and *ni* in *fru-ni-scor* for **frug-ni-scor*, and *con-qui-ni-sco* (con-quec-si) for **con-quic-ni-sco*.

7.] (*d.*) *Increase of Stem with* t *or* ta. This has often a frequentative meaning, when suffixed with *ā*, as *capto*, *captāre* from *capio*, *dicto* from *dico*, etc., especially when repeated, as *dictito*, *scriptito*. Often *i* is inserted, for euphony, after a guttural, as *ag-i-to*, *cog-i-to*. When suffixed by itself, however, it has lost almost all, or all, its frequentative force, or, more probably, it is merely euphonic, in cases like *flec-to*, *nec-to*, *pec-to*, where it comes after a guttural preceded by a short vowel. In Greek it is to be remarked that this modification is inserted generally after a labial or guttural, as πίπ-τω, τύπ-τω, τίκ-τω.

8.] (*e.*) *Increase of Stem by* i *or* ji, Sanskrit *ja* or *ya*. These are what we usually call verbs of the third conjugation in *-io*, and some others, e.g. *cap-i-o*, *fac-i-o*, *fod-i-o*, *me-j-o*, *a-j-o* for **ag-j-o*; cp. *axamenta*, *ad-agium*.

This class of verbs is apt either to lose its suffix altogether, or to pass into the so-called fourth conjugation with long *i*. For instance, the second and third singular, and the first and second plural present of *capio* cannot, in any way, be distinguished in formation from the same persons of *meto;* and *parens* stands, equally with *pariens*, as participle of *pario*. Unless this be an *aorist* participle, cp. ἡ τίκτουσα, and ἡ τεκοῦσα, οἱ τεκόντες (Schl. § 292, p. 759); cp. *potens* from stem *poti-*, and *sententia* from stem *senti-*, which must have had a participle **sentens*. On the other hand, *morior*, *aggredior*, *venio*, *salio*, etc., vary between the long and short *i*, with long *i* in the infinitive: *rapio* makes *rapīri*, as well as *rap-vi*, and *cupio* generally *cupīri*, *cupītum*, and there are many other instances of the same confusion, the variation being strongest in ante- and post-classical times.

9.] In Greek this modification, in its simple form, is represented by *i*, as in δα-ί-ομαι, φυ-ί-ω, Aeol. ἰδ-ῖω. It appears also in transpositions, φαίνω, τείνω for φαν-yω, τεν-yω, and becomes ζ or σσ after dentals and gutturals, as ὄζω from ὀδ-, κράζω from κραγ-, φυλάσσω from φυλακ-, τάσσω from ταγ-, πτώσσω from πτωχ-,

etc., etc. In the same way, in Latin it seems to have been assimilated after *l* and *r*, as in *fallo*, *tollo* (*tetul-i*), *pello* (*pe-pul-i*), *vello* (*vul-si*), *curro*, *verro*.

10.] (*f.*) *Derivative Verbs increased with a vowel*, *ā*, *ē*, *ī*, probably originally *aja* or *aya*. These verbs, with those that end naturally in *a*, *e*, *i*, form what are usually known as the *first*, *second*, and *fourth* conjugations of the Grammars. There is, however, reason to believe that they were originally all of one formation, and consequently we find a considerable indefiniteness about many verbs, the same stems being found in two or more formations.

E. g.	artare,		artire.
	bullare,		bullire.
	densare,	densere.	
	fulgurare,		fulgurire.
	impetrare,		impetrire.
	singultare,		singultire.
	tintinnare,		tintinnire.
		tenere,	tenivi.
		calvere,	calvire.
		ciēre,	cīre.

11.] Again, many verbs have this modification only in the present stem, and the tenses derived from it, and become, sometimes or always, consonantal in the perfect and supine.

E. g.	domare,	perdomavit,	but domui.
	cubare,	excubaverant,	cubui.
	jŭvare,		iūvi.
	{ lavāre,	lăvavi,	lavātum.
	{ lavĕre,	lāvi,	lautum.
	necare,	necavi,	but enectus.
	{ sonāre,		sonaturum
	{ sonĕre,	sonui.	
	{ tonare,		
	{ tonens,	tonui.	

Besides this, *crepo*, *frico*, *mico*, *plico*, *seco*, *veto* have perfect stems in *-ui*, and supines in *-tum* or *-ĭtum*. The perfects may possibly be contractions, the *v* coalescing with the stem vowel, but the supines can hardly be so.

12.] Similarly, many derived verbs in *-ē* have perfect and supine in the consonantal conjugation.

E. g.	căvēre,	cāvi,	cautum.
	mŏvēre,	mōvi,	mōtum.
	sĕdēre,	sēdi,	sessum.
	vĭdēre,	vīdi,	visum.
	prandēre,	prandi,	pransum.
	ardēre,	arsi,	arsum, etc.

Others exist in both conjugations. So

fervēre, fervĕre; fulgēre, fulgĕre; scatēre, scatĕre; stridēre, stridĕre; tergēre, tergĕre; tuēri, intui;

and a comparison with Italian would lead to the inference that the number was still greater, e. g. *ridĕre* beside Lat. *ridēre*.

We have already spoken of the tendency of verbs of the third conjugation, with short *i*, to pass into the fourth. On the other hand, there is just the same tendency of *ī* to *ĭ* (often by contraction), as in *amicīre*, *amicui*, *amictum*; *haurīre*, *hausi*; *metīri*, *mensus*; *vĕnīre*, *vēni*, etc. Besides this we have forms like *petīvi*, *petii* beside *petĕre*, *quaesī-vi* beside *quaerere*, etc.

13.] Considering the supposed common origin of these derivative stems, it might be expected that we should find grounds of logic or euphony for the preference, in this or that case, of one vowel to another, or, at any rate, be able to reduce them to something like system. This, however, can at present only be done to a very limited extent. For instance, we may say that the *ā* suffix is more generally found in *transitive* verbs, that the *ē* suffix is more generally found in *intransitive* verbs, the former often being related to the latter, as strong to weak, e. g. *sĕdāre* to *sĕdēre*, *plăcāre* to *plăcēre*, *dŏlāre* (to beat) to *dŏlēre* (to feel pain), *albāre*, *dealbāre* to *albēre*, *nigrāre* (usually intr.) to *nigrēre*, etc. Also it may be noticed that a great many more verbs in *ē* have a short vowel in the root, except, of course, where it is long by position. Out of a list of fifty verbs of this conjugation, taken from a Grammar, the proportion of short vowels is as three to one.

14.] The *Four Conjugations* are an arrangement of these verbs into classes, according to the *termination* of the stem, which, like that of the declensions, is somewhat arbitrary, and involves

cross division, but is founded on sufficiently close analogy for ordinary use.

To the third conjugation of the Grammar belong far the largest number of forms, the *pure consonantal stems*, and the vocalic stems in *u* and *o*, as well as all *modified stems* except the last class (*f.*). To the other three belong *pure vocalic stems* and *derivative* verbs ending in *a, e, i.*

Thus we get—

Third conjugation:

I. *Pure consonantal stems*, and stems in *u* and *o*.
II. *Modified stems* (consonantal or ĭ).

(*a.*)	with thematic vowel, as	*fer-o, minu-o*
(*b.*)	with *n* or *na* . . .	*cer-no* ,,
(*c.*)	with *sc* or *sca* . . .	*cre-sco* ,,
(*d.*)	with *t* or *ta*	*nec-to* ,,
(*e.*)	with *i* or *ja*	*cap-io.* ,,

First conjugation, stems in *a*,	I. *pure stems.*
	II. *derivative* in *ā*.
Second conjugation, stems in *e*,	I. *pure stems.*
	II. *derivative* in *ē*.
Third conjugation, stems in *i*,	I. *pure stems.*
	II. *derivative* in *ī*.

CHAPTER XVII.

The Perfect Stem. Common Terminations. Classes of Stems.

1.] The Perfect in Latin, both as to stem and terminations, exhibits a very distinct formation from that of the same tense in Greek. A full discussion of the questions which arise from this difference, and of the origin of the Latin forms, would not be suitable to the compass of this book; but they cannot be passed over in silence.

The *terminations* of the Latin perfect are the same for all the four classes of stems. They are sharply distinguished from the Greek by having the character-vowel -*ī* or -*ei*, which cannot, according to analogy, be a modification of -*ă*, that vowel passing in Latin verbs into -*ā* or -*ō*. The only supposed instance of a perfect in -*a* like the Greek is in the word *deda*, in the Pisauran inscription, which supplies us with several disputed grammatical forms. It runs thus:—'MATRE | MATVTA | DONO . DIIDRO | MATRONA | M. CURIA | POLA . LIVIA | DEDA' (C. 177, Ritschl, xliii A). The last words are cut in a different style from the others, and (says Ritschl) are probably a later addition. He concludes (after Mommsen, Unterit. Dialekt. p. 237, who compares Oscan *fufans*) that *deda* is for *dedant*, a perfect form like Greek πεφύκαντι (Rh. Mus. xiv. 401). On the other hand, this is without analogy in Latin, and *Deda*, Corssen suggests, may be a woman's name cognate with *Didius* (i. p. 186, *note*). The inscription itself, however, seems to imply a verb, M and *Pola* being apparently female 'praenomina,' affixed in the old style, = Mania and Paula, and *deda* being parallel to *dedro*. Corssen reads wrongly *Mucuria*.

2.] With this exception, therefore (if it be an exception), we may say that the Latin perfect is strongly distinguished from the Greek. Further, the second persons singular and plural, and

the third person plural, exhibit *s* after the *ī*. Schleicher, on this ground, supposes a second stem-ending in -*īs*, besides that in -*i*, and whether we call the -*s* the root of the substantive-verb or not makes no difference. We may therefore suppose either that the perfect in Latin ended originally in

*īs-m,
īs-tī,
*īs-t,
*īs-mus,
is-tis,
*is-ont,

or that three persons were formed from the stem -*ī* and three from -*īs*. But as -*s* often falls out in Latin before *m* and *t*, e. g. *rēmus* for *resmus*, *dixti* for *dixisti*, we may fairly suppose that the stem throughout ended in -*īs*, and this is supported by the formation of the perfect infinitive as compared with the present (see below, ch. xix. § 2). This formation is nearly parallel to certain aorist formations in Sanskrit, which are compared by almost all modern grammarians. The *fifth* Sanskrit aorist, from the root *vid*, 'to know,' is thus conjugated (see Schleicher, § 297, p. 812):—

Sing. a-vēd-īm, (Vedic. For **a-vēd-isham*?)
a-vēd-īs,
a-vēd-īt.

Plur. a-vēd-ishma,
a-vēd-ishṭa,
a-vēd-ishus.

There is the same doubt as in Latin as to the formation of the first person, forms like *badh-īm*, *kram-īm*, of the same tense, being on one side, and on the other the analogy of other aorists, *a-dik-sham*, etc. But while Latin preserves the full form *īs-ti* in second singular against Sk. *a-vēd-is*, Sanskrit has -*īsh-ma* in first plural beside Latin *i-mus*, so that, on the whole, the stem-ending -*īs* is substantiated for all persons but the first, while the analogy of the defect in either language (in these two persons) makes it probable that the first person may be defective in both.

The long *i* is found in other tenses in Sanskrit, as in some presents and imperfects (Schleicher, pp. 767–9.)

3.] In old Latin long *i* is found in all persons except the first plural. In the first person it is never shortened in the whole range of Latin poetry, and is in old Latin often written *-ei*, as *veixei*, *petiei* (Ep. Scip. C. 37, 38), *fecei* (ter), *poseivei*, *conquaeseivei*, *redidei* (Tit. Popil. 551), *fuei* (1008 Ep. Protes.). In the second person, also, in the same way we find *interieisti* (Tit. Cap. C. 1202). In the third we have *redieit* (Tit. Mun. C. 141, B.C. 146), *posedeit* (Sent. Min. 199, 28, B.C. 117), *venieit* (L. Agr. 200, 58, 65 bis, 67, 75, 92, B.C. 111), *probaveit* (600 bis), *fuueit* (1051), and in the poets it is scanned as a long syllable in *fuīt*, *fuēt* (Ep. Scip. in Saturnians), *docuīt* (Liv. Andron.), *redieīt*, *emīt*, *vidīt*, *dedīt*, *vendidīt*, *optigīt*, *astitīt*, *vixīt*, *respexīt*, *iussīt*, *potuīt*, *iīt* (Plautus), *profuīt*, *stetīt* (Terence)—all quoted by Corssen, i. p. 609, q. v. The *i* of the first person plural is, on the other hand, always short in poetry, and we have no forms in *-ei* preserved; but there is no reason to believe that this was the original quantity. We may compare the variation between *dederīmus* and *dederĭmus* in the second future and perfect subjunctive, where the probability is that the vowel was originally long, being the character vowel of the optative mood. The vowel *e* of the third plural is also, in all probability, originally long. This is not only the ordinary later use, but we have no other in any of the fragments of Ennius or of the tragedians (see Corssen, i. pp. 611, 612), though it is very commonly short in the comedians, and is so sometimes used as a poetical licence by Lucretius and the writers of the Augustan age. Such a shortening was, no doubt, early enough in the vulgar speech, as the syncopated forms of the Pisauran inscriptions *dedrot* and *dedro* show (C. 173, 177). There is no reason, also, to doubt that this *ē* was originally *ī*, though we have no instance, unless we accept the explanation offered by Corssen of *coemisse* in the Salian hymn,

'Omina vero ad patula *coemisse* Iani cusianes,'

as for *co-emīsont* = conceperunt (i. p. 230, *note*).

4.] There remains only the suffix of the second person singular to be explained. This *-ti* or *-tei*, as in *gesistei*, C. 33, *restitistei*, 1006, appears to be the only instance in which Latin has retained the early form of the pronoun, otherwise *-s*. In Sanskrit we have seen that the pronominal suffix is lost, or

coalesces with the stem, as in *a-vēd-īs*; how it comes to be retained in Latin is of course unknown to us, but if it was preserved anywhere it would naturally be after a sibilant to prevent confusion. The length of the vowel is no more remarkable than that of *-mūs* in old Latin, and is compared by Corssen to the old Prussian suffix for the second person, *-sai, -sei, -se* (i. p. 595). It was never shortened again, as *-mŭs* was, in accordance with the general repugnance in Latin to short final *-i*.

5.] The perfect *stems* in Latin may be divided into four classes, according to their formation :—

(1.) *By Reduplication.*

(2.) *By lengthening the vowel of the root.*

(3.) *By inserting* -s *before the termination,*

(4.) *By inserting -v or -u, according as the stem ends in a vowel or a consonant.*

The first two classes, it will be seen, are probably one in origin. The other two also, though differing in etymology, must be explained together on the same general principle, whatever that be.

There may be, besides these, a *fifth* class of perfects, only distinguished from the presents by their *terminations*, but as some of them certainly once were reduplicated, it is generally concluded that they all were, and so they are counted under, 1. (*b.*) *Perfects which have dropped their reduplication.*

1. *Perfects formed by Reduplication.*

6.] (*a.*) *With extant reduplication.* There are in Latin twenty-eight instances, not including compounds, in which this reduplication is retained, *bibi, cecĭdi, cecīdi, cecini, credidi, cucurri, dedi,* and compounds, *didici, fefelli, memini, momordi, pepedi, pependi, peperci, peperi, pepigi, pepuli, poposci, pupugi, steti, scicidi, spopondi, tetendi, tetigi, tetini, tetuli, totondi, tutudi.* Of these, *tetini, tetuli,* and *scicidi* are rare forms, more usually *tenui, tuli,* and *scidi.* The latter is twice quoted from Accius, *sciciderat,* and once from Ennius, *sciciderit,* by Gellius, vi. (vii.) 9; *tetuli* is found frequently in Plautus, and also in Caecilius, Terence, Accius, and Lucretius; *tetinerim* and *tetinisse* are quoted from Pacuvius and Accius.

Gellius, in the chapter above quoted, gives instances of *me-mordi, pe-posci, pe-pugi, spe-spondi* for *mo-mordi,* etc., from Ennius, Laberius, Plautus, Valerius Antias, and others, and

states that Cicero and Caesar used this form. *Spepondit* occurs in an inscription, Orell. 4358.

Some verbs, whose present stem ends in *d*, have a tendency to follow the analogy of *do* and its compounds, and of *credo*. This is noticed in the case of *descendo* by Gellius, in the same chapter, quoting from Valerius Antias and Laberius. Rönsch (It. u. Vulg. p. 288) quotes instances from MSS. of the Latin bible, such as *ascendiderat*, *prandiderunt*, *prendiderunt*, *videderunt*, and even *edediderit*. These are obviously only analogical formations, and have no etymological value, though important in their place.

7.] (*b*.) *Perfects with the reduplication dropped*. The most certain instances of these, beside *tuli* and *scidi*, are *curri* and *spondi*, and the regular compounds of these and other stems in which the simple is reduplicated, as *prae-tuli*, *dis-scidi*, *oc-curri*, *re-spondi*, *con-cidi*, *oc-cīdi*, *com-peri*, *com-puli*, *at-tigi*, etc., etc. *Curristi* occurs in Tertullian, Fug. in Pers. 12, *currēre* (third plural) in Arnobius, adv. G. iv. 4, *sponderit* in Prov. xvii. 18, Tolet. (Rönsch, l.c. p. 288). Again, *fĭdi* from *findo* has a very close analogy to *scĭdi* for *sci-scidi*, from *scindo*. Taking these instances into consideration, it may very fairly be further concluded that all perfects which are merely like the present stem with termination *ī*, once had a reduplication, e.g. *cud-i*, *mand-i*, *pand-i*, *scand-i*, *prand-i*, *psall-i*, *verr-i*, *vell-i*, *vis-i*, etc., etc. If we do not assume this, we must conclude the language distinguished one tense from the other only by the termination, and this would give us a fifth class of perfects.

2. *Perfects formed by lengthening the vowel of the root.*

8.] When the stem vowel is *ă*, it is changed to *ē*, except in *scabĕre*, e.g. *ăgo*, *ēgi*; *frango*, *frēgi*, cp. *frăgor*; *pango*, *pēgi*, cp. *pepĭgi*; *făcio*, *fēci*; *jăcio*, *jēci*; *căpio*, *cēpi*.

Otherwise the vowel is retained, e.g. *ēdi*, *sēdi*, *lēgi*, *vēni*; *vīdi*, *vīci*; *ōdi* (cp. *ŏdium*), *fōdi*; *fūdi* (cp. Greek χῠδην), *fūgi*, *rūpi*.

What is the relation of these to the reduplicated perfects, e.g. of *pēgi* to *pepigi*, of *fēci* to Oscan *fefakust*? Schleicher explains them as formed from the reduplicated perfect by contraction (§ 291, p. 744), the first letters of the root being lost, and the reduplicated syllable coalescing with the root vowel,

and making it long, e.g. **fĕ-fĭci* becomes **fe-ici*, *fēci*. But though this is just possible, as an explanation of *fēci*, *jēci*, *f* becoming *h* and *j i*, it seems impossible where gutturals or labials are concerned. We have no analogy, for instance, for a loss of a second *c* or *g*, in a supposed **ce-cipi* or **eg-igi*, nor of a *p* in *pe-pigi*. Another equally impossible theory is to suppose the loss of the second vowel, e.g. in **cecpi*, **eggi*, **pepgi*, **fefrgi*, hideous forms, which can never have been tolerated by the language, which presents no analogies to such a process. A third and much more acceptable idea is that of Corssen, best developed in his Kritische Beiträge (p. 533 foll., but cp. Ausspr. i. p. 565, ii. p. 578 and note). This, like the others, assumes that these perfects were originally reduplicated, but that the vowel was also lengthened, as in many cases in Greek and Sanskrit, and that then the reduplicated syllable dropped off, as in those with short vowels, *(te)tuli*, *(sci)scidi*, *(fi)fidi*, etc., and in many compounds.

Now we learn from Priscian, x. p. 891 P, 8 H, that the *u* in *tutudi* was, among the ancients, as often long as short, and he quotes lines from Ennius, giving instances of both quantities in the compound *con-tudit* (cp. *de-curri* for *de-cu-curri*).

Ann. xiv. 386, 7, v:—

'Infit "O cives, quae me fortuna ferocem
Contŭdit; indigno bello confecit acerbo?"'

Ann. 480, iv:—

'viresque valentes
Contūdit crudelis hiemps.'

This at least is one instance which cannot, with probability, be gainsaid, i.e. *con-tūdit* is shortened by loss of a syllable from *tu-tūdi*, just as *con-tŭdit* from *tu-tŭdi*. In the same way *sēdi* may be explained by a comparison with Sanskrit *sa-sāda*, *vīdi* with *vi-vēda*, *līqui* with λέ-λοιπα, *pēgi*, *pépĭgi* with πέ-πηγα, *fūgi* with πέ-φευγα, etc., *fēci* with Oscan *fe-facust*, though the proof offered by Corssen, that the *a* in this form is long, is inadequate (Ausspr. ii. p. 579, note).

9.] The admission of this conclusion might seem to lend support to another, for which we have other analogies, that in early Latin the accent was more like the Greek than it afterwards became. The influence of an accent on the first syllable

of **pé-pĕgi*, as on Greek πέ-πηγα, is exactly what is required to explain the shortening of the vowel in *pé-pĭgi*, though such an accent is against the rules of later Latin, which would require *pe-pégi*. Similarly, many others of the reduplicated perfects, *tú-tŭdi*, *mé-mĭni*, *té-tuli*, etc., may have been shortened by a like influence. It is, however, rather more probable that just as in Greek we have a strong and weak perfect, e. g. βέβηκα and βέβαα, so there were two parallel formations in Latin, one with a short the other with a long vowel. Thus *pépĭgi* would be retained in full, while *pepégi* would drop the unaccented syllable.

A fourth possibility has occurred to me in endeavouring to explain these perfects, namely, that the length of the vowel is an altogether different way of forming the perfect stem from that of reduplication,—one parallel to it, and not derived from it. There exists a very fair analogy in the case of the present stem, in which we sometimes find reduplication, as *gigno*, *bibo*, *sisto*, sometimes intensifying or lengthening of the vowel, as in *deico*, *dīco*, etc., as also in the Greek first aorist from stems ending in liquids, μέν-ω, ἔ-μειν-α; τέλλω, ἔ-τειλ-α; δέμω, ἔ-δειμ-α, etc., instead of the formation with σ; but the explanation of Corssen seems, on the whole, more satisfactory.

(3.) *Perfects formed by adding* -si *to the present stem.*

10.] This takes place in consonantal stems and in some derivative verbs in *-ē* and *-ī*, but in none in *-ā*. The *-si* is in any case added directly after the consonant, the increase, even when consonantal, being generally dropped in the perfect stem. So with pure consonantal stems we get

carp-o, carp-si; nub-o, nup-si; dic-o, dixi; reg-o, rexi.

Only after *m* an euphonic *p* is inserted. As,

com-o, comp-si; dem-o, demp-si; cp. *hiemps.*

So from modified consonantal stems and others

coquo, coxi; saepi-o, saep-si; vell-o, vul-si; cp. *misceo* for *mig-sc-eo*, supine *mixtum;* but *pang-o, panxi* (with increased stem).

A guttural or dental drops out after *l* or *r*. E. g.

torqueo, tor-si; farcio, far-si; mulg-eo, mul-si; tergeo, ter-si; ard-eo, ar-si.

On the other hand, a guttural omitted in the present stem (*gv*) is found in the perfect. E. g.

flu-o for **flugv-o*, *fluxi*; *struo*, *struxi*; *vivo* for **vigv-o*, *vixi*; *coniveo* for **conigv-eo*, *conixi*. Cp. *con-qui-ni-sc-o* for **con-quic-ni-sc-o*, *con-quexi*.

Similarly, the hard spirant, which appears as *h* in the present stems, *trah-o*, *veh-o*, shows its guttural quality in the perfects *traxi*, *vexi*, i. e. *trac-si*, *vec-si*.

Again, a *dental* falls away, or is assimilated, before *-s*, but the preceding vowel is lengthened. E. g.

flect-o, *flexi*; *sentio*, *sensi*; *mitto*, *mīsi*; *claudo*, *clausi*; *ludi*, *lūsi*; *divĭdo*, *divīsi*; *rideo*, *rīsi*.

Jub-eo, *ius-si*, and *prem-o*, *pres-si* are probably not so much peculiar instances of assimilation, as perfects from distinct stems. *Iubeo* perhaps = iu-hibeo.

Haesi and *hausi* are perhaps only apparently of the formation in *-si*, being contracted in one case for *haes-ui*, and in the other for *hausi-i* or *hausi-vi*; the *s* representing the *r* of the present.

11.] Many verbs form two, or even three, perfects, as follows:—

Reduplicated.	With lengthened vowel.	With *-si*.
mo-mordi,		prae-morsi, (Plaut. ap. Gell. vi. 9.)
pepĭgi,	pēgi,	panxi.
peperci,		par-si.
pupugi,		punxi.
velli,		vul-si.
	fēci,	* faxi, tepefaxit, (Catullus.)
	ēgi,	* axi, (Ital. Rönsch, p. 286.)
	co-ēgi,	coxi.
	cēpi,	* cap-si.
	lēgi,	di-lexi, intel-lexi.
	neg-lēgi (rare),	neg-lexi.
	collēgi,	collexi, (Ital. Rönsch, p. 286.)
	-rēgi, (R. 287,)	rexi.
	rūpi,	rup-si, (XII. Tab. viii. 2.)
di-spergi, (R. 287,)		spar-si.
ef-fundi, (ib.,)	fūdi.	
-linqui, (ib.,)	līqui.	
	ēmi,	d-empsi, (cp. empsim, Plaut. Mil. 316, Cas. 243, fr. prob. conjectures.)
per-culi,		per-culsi, (Ammian. xvii. 8.)
tu-tŭdi,	con-tūdi,	tunsi, (Diomed, p. 369 P.)
cudi,		cusi, (Priscian, x. p. 889 P.)

12.] It will be seen from this list, which it is hoped is fairly complete, and from the instances quoted before, that the formation in *-si* is quite distinct from the other two. There is no trace about it of reduplication, and it is formed without changing the vowel of the present stem. In these respects it is to be classed with the fourth division of stems in *-vi* and *-ui*, and its origin has generally been explained in connection with them.

The characteristic *-s* is naturally to be compared with that in the Greek first aorist, especially in the way in which it is combined with preceding consonants: e. g.—

τρίβω,	*ἔ-τριψ-α.*
nubo,	nupsi.
δείκ-νυ-μι,	*ἔ-δειξ-α.*
dico,	dixi, etc.

But there is, perhaps, a closer parallel in the sixth Sanskrit aorist, which exhibits also terminations very near to those of the Latin perfect, just as those of *a-ved-im* are. They follow a vowel, however, instead of a consonant. E. g. from root *ja*, 'to go,' we get:—

Sing.	a-ja-sisham,	compare	scrip-sī,
	a-ja-sis,	„	scrip-sis-ti,
	a-ja-sit,	„	scrip-sit,
Plur.	a-ja-sishma,	„	scrip-si-mus,
	a-ja-sishta,	„	scrip-sis-tis,
	a-ja-sishus,	„	scrip-ser-unt.

See further E. Herzog, Untersuchungen über die Bildungsgeschichte der Gr. und Lat. Sprache, Leipz. 1871, pp. 41 foll., who derives all the perfect *terminations* by analogy from this form.

(4.) *Perfects in* -vi *and* -ui. *Peculiar to the Italian languages.*

13.] This is the ordinary suffix for pure vowel verbs and derived verbs, all of which, as a rule, make the perfect in *-vi*. But derived verbs in *-ē* lose the *e* in the perfect stem and make the *u* vocalic, as *mon-ui*, etc. Besides these, there are a considerable number of consonant stems, with present stems either consonantal or ending in *-a*, which form their perfects in *-ui*, as *rap-ui*, *vet-ui*, etc. Thus we have—

Pure Vowel Verbs.	*Derived Verbs.*
nā-vi, *strā-vi* (pr. *ster-n-o*), *pā-vi* (pr. *pa-sco*); *sē-vi* (r. *sā*, reduplicated pr. *ser-o* for *sēs-o*).	*amā-vi*: but *vet-ui*, etc. for **veta-vi*, etc. (?); *jūvi* for **jurā-vi*, **juv-ui*, or from consonantal stems (?).

flē-vi, im-plē-vi, etc. ; *crē-vi* (pr. *cer-n-o* and *cre-sc-o*), *quiē-vi* etc. ; *lē-vi* (pr. *li-n-o*), *de-lē-vi.*

mon-ui, car-ui, and most verbs in *e-sc-o* ; as *in-not-ui, tep-ui,* etc. ; *haes-i* for **haes-ui*(?) ; *cāvi,* etc. for **căv-ui*(?): so *ferv-i* for *ferv-ui,* or *ferb-ui* : or as if from consonantal stems (?).

scī-vi, ī-vi, trī-vi (pr. *ter-o*) ; *sī-vi* (pr. *si-n-o*), and compounds like *arces-sī-vi, capes-sī-vi* ; *po-sī-vi* (always Plaut. and Ter., also Lucr. and Catullus), gen. *pos-ui ; lī-vi* (pr. *li-n-o*).

audī-vi, haus-i for **haus-i-vi* or **haus-ii* (?) : cp. *sarī-vi* and *sar-ui,* and *pot-ui* for *potī-vi.*

nō-vi.

fū-vi contr. *fū-i, plū-vi* contr. *plū-i*[1], etc. ; but gen. all contracted and shortened, as *fŭi, rŭ-i, tribŭ-i, argŭ-i* for **rū-vi,* **tribu-vi,* **argu-vi,* etc.

14.] We have, besides, perfects in *-vi* and *-ui,* from stems otherwise consonantal, not counting presents in *e-sc-,* which generally lose the increase in the perfect. E. g.

con-cin-ui, gen-ui ; al-ui, col-ui, consul-ui, mol-ui, volui, nol-ui ; ser-ui ; deps-ui [*posui* is for *po-sī-vi,* q. v.] ; *trem-ui, gem-ui, frem-ui ; tex-ui, nex-ui.*

And in *-vi* or *-ui* from stems increased with *j* :—

cupī-vi, sapī-vi, rudī-vi, rap-ui, quaesi-vi.

15.] The origin of this termination is generally concluded to be a composition with the perfect of **fu-,* viz. (*fu*)*-fui,* and that of the parallel form in *-si* from a supposed perfect **e-si.* There are various reasons advanced for this conclusion :—

(1.) The general similarity of terminations of tenses formed from the perfect stem to those of primary tenses of the substantive verb.

(2.) The fact that the oldest form of the perfect of **fu-,* which was probably reduplicated like Greek πέ-φυκα, is *fū-vi,* which

[1] So Varro, L. L. ix. 104, 'in praeteritis *u* dicimus longum *plūit, lūit,* in praesenti breve,' etc.

may reasonably be short for **fu-fui*, in which case we have an instance of *fui*=vi. But this of course may be short for **fu-furi*, cp. § 13 and Sanskrit *ba-bhúva*.

(3.) The similarity of certain derived tenses in the dialects which preserve *f*.

16.] The identification of *-vi* with *fui* is combined with a wider general comparison of—

Imperfect,	* fuam or * fam	with		-bam.
Future,	* fuio or * fuo	„		-bo.
Imperfect,	eram,	„	Plpf.	-eram.
„	essem,	„		-issem.
Future,	ero,	„		-ero.
„	erim,	„	Perf. Subj.	-erim.

The similarity is certainly striking, and is confirmed to a certain extent by certain forms in the dialects. In Umbrian, for instance, we have :—

ambr-e-fus(*t*)=amb-i-verit.
ambr-e-furent=amb-i-verint.
a-tera-fust=circum-dede-rit.
an-dirsa-fust=in-dide-rit.
piha-fei=pia-vi.

And in Oscan :—

aíkda-fed=aedifica-vit.
aamanaf-fed=admandavit, confecit (?).
fufans=* fu-bant, unless this be a perfect (see Mommsen, Unterit. Dialekt. p. 237, and above, § 1).

Beside these, we have :—

Umbrian,	*port-u-st*=porta-v-erit.
„	*i-u-st*=i-v-erit.
„	*hab-u-s*=hab-u-erit.
Oscan,	*hip-u-st*=hab-u-erit.
„	*pru-hip-u-st*=pro-hib-u-erit : here *f* (according to Corssen, i. p. 165) has been changed to *h*, and then lost.

Some objections, however, to this view must be considered.

17.] It has been urged that the whole theory of composition with auxiliary verbs is dubious, those which we know in modern languages, like *aimer-ai*, *aimer-ais*, being compounds of real

words, while this theory requires us to suppose compounds with stems.

In answer to this may be brought forward forms like *cale-facio, cale-fio, are-facio, tepe-facio, cre-do, ferve-facio*; where the elements *cale-, are-, tepe-, cre-*, do not differ in form from ordinary verbal stems. The curious phrases found in Cato, R. R. 157, 9: 'Postea *ferve* bene *facito,* ubi ferverit in catinum indito;' and Varro, R. R. i. 9, 'carbunculus, id est quae sole *perferve* ita *fit,* ut radices satorum comburat' (suspected by Gesner); and Lucretius, vi. 962,—

'Principio terram sol excoquit et *facit are,*'

may seem to suggest that they were originally syncopated infinitives, but this is of little or no consequence to the argument. For if the infinitive was to be found in such a short form from derived verbs in *-ē*, it might easily lose its vowel altogether in consonantal stems; e. g. *trem-ui, rap-ui*, etc.; and even in *dic-si, scrip-si* (cp. *dixti* for *dixisti*, etc.), if we accepted the auxiliary in that stem also. (Against Merguet, Entwickelung, § 157.)

Possum, indeed, cannot be adduced in exactly the same category, as it is a compound of an adjective, *potis* or *pote*, etc., with the verb *sum*, and the uncompounded forms are freely interchanged with it, as far as the combinations with *sum* go. See an Enumeration in Merguet, Entwickelung, p. 192 foll. The same writer, arguing against the theory of composition with auxiliaries, insists strongly on the fact that *potui* cannot be for *pote fui*, etc., inasmuch as it is never, or hardly ever, found uncompounded, and is rather to be identified with *poti-vi* (*poti-vit*, Plautus, Amph. 177; *compotivit,* Rud. 911, Appuleius =*potitus est* [he should have said *compotem fecit*], *potivit*=potuit, conj. Ritschl, Most. 792), from stem *poti-*, found in *potior,* and Oscan *potíad, potíans*=possit, possint. But supposing this to be the case, and that an ordinary derived verb, *pot-ī-re,* had been formed from *potis*, just as *lenīre*, *mollīre* from *lenis*, *mollis,* its perfect must be explained, just as all other perfects are explained, however that may be. We have plenty of instances in which the perfect is formed from a different stem from the present, and this is perhaps enough to account for the fact, curious enough though it be, that *pote fuisset* (Terence, Phorm. 535) is the only instance of such an uncompounded form.

18.] Another important objection is that the supposed auxiliaries consist in great part of personal and modal suffixes, which would be the same in any case (Roby, § 660; compare Merguet, Entwick. p. 200). This is not, however, quite correct, inasmuch as the auxiliaries and their compounds are the only instances of two formations which are found in other verbs in tenses supposed to be derived from the same auxiliaries, and in no others.

These are the future and the imperfect—the first in *-jo* or *-o*, the second in *-am*. Thus, from root *es-*, we get future, **es-j-o*, **es-o*, *er-o*; imperfect, **es-ām*, *er-ām*; and from root *fu-* we probably get **fu-j-o*, **fuo*, **bo*; **fu-ām*, **bām*; but these tenses are formed in no other verbs without the elements belonging to the auxiliary verbs, viz. *r* or *s*, and *v* or *b*. Now, the imperfect and future in *-bam* and *-bo*, and the perfect in *-vi*, as well as the tenses derived from it and the other perfect stems, viz. the pluperfect indicative and subjunctive, the perfect subjunctive and second future, are either wholly peculiar to the Italian languages, or are formed in a manner peculiar to them, and therefore if any tenses were to be explained as auxiliary formations, we should naturally look to these.

19.] But while this is so, the perfect stems in *-ī* or *-īs*, and *-sī* or *-sīs* have, as we have seen, close analogies to two of the Sanskrit aorists, and may therefore be considered as older formations. It is on this account less easy to explain them as formed with any regular part of the verb *sum*, such as the supposed perfect **es-i*, which would be rather an Italian than an original formation.

Such an explanation might be held as invalid, as interpreting something earlier by something later, as in fact an anachronism. But this objection does not apply to the supposed formations from the root *fu-*, and to the supposed composite tenses from the root *es-* (other than the perfect), which are peculiar to Italy.

I must conclude therefore, though in spite of a strong prejudice to the contrary, which I do not find it easy to get rid of, that none of the objections urged against the composition of these tenses with auxiliaries have been fully made out; and that we may accept this theory provisionally till another can be established on a wider induction.

CHAPTER XVIII.

Composite Tenses.

1.] It may here be desirable to give a Paradigm of the supposed formation of the various tenses, including those of which we have already spoken.

From the Present Stem.

(1.) *Simple.*	*Consonantal.*	*Vocalic and derived Verbs.*		
Subjunctive,	reg-ā-m,		mone-ā-m,	audi-ā-m.
Optative,	*reg-ē-m,	am-ē-m,		*audi-ē-m
„	reg-ē-s (fut.),			(fut).

(2.) *Composite,* with *-bam, -bo* = * fuam, *fu (i)o; and with *-erem* = era-i-m, optative from *era-m.*

Indicative,	regē-bam,	amā-bam, monē-bam, audi-ē-bam, audībam.
	(dicē-bo),	amā-bo, monē-bo, audī-bo.
Optative,	regĕ-rem,	amā-rem, monē-rem, audī-rem.

Composite Tenses formed from the Perfect Stem.

		Consonantal. Reduplicated.	With *-si.*
Indicative,	Second Future with *ero,*	tetige-ro,	scripse-ro.
	Pluperfect with *eram,*	tetige-ram,	scripse-ram.
Optative,	Perfect with *erim* or *sim,*	tetige-rim,	scripse-rim.
	Pluperfect with *essem,*	tetigi-ssem,	scripsi-ssem.

		Vocalic and derived Verbs. With *-vi.*	With *-ui.*
Indicative,	Second Future with *ero,*	amave-ro,	monue-ro.
	Pluperfect with *eram,*	amave-ram,	monue-ram.
Optative,	Perfect with *erim* or *sim,*	amave-rim,	monue-rim.
	Pluperfect with *essem,*	amavi-ssem,	monui-ssem.

2.) *Imperfect in* -BAM. This is (as we have said), with the future in *-bo*, an exclusively Italic formation. It is found in all Latin words except *sum*, which makes *era-m*, apparently only distinguished from the present by the length of its termination; compare *es-tis* and *er-ā-tis* for **es-ā-tis*. It is therefore explained as an auxiliary from the other root *fu-*, which may be supposed to have formed its imperfect in the same way as *er-ām*, viz. **fu-ām*, contracted into **fam* and **bam*. The only other trace of this formation is found by Schleicher in Oscan, *fufans* (Cippus, Abell. 10), which he explains as for *fu-bant* or *fu-fuant*, i. e. *erant* (so Corssen, i. p. 165). The words run: '*pus senateís tanginud sureís puturuspíd ligatus fufans*' = 'qui senatus iussu sui utrique legati (erant).' But here *fuerunt* would be more in place, and therefore Mommsen's explanation of it as a perfect (compare *deda*) is preferable (Unterit. Dialekt. pp. 119, 298). The reduplication would also be a difficulty in the imperfect, on which Schleicher does not touch. After all perhaps *fu-erant* is the most analogous form.

3.) This *-bam* is added directly to pure vowel verbs, as *dă-bam*, *stā-bam*, *nē-bam*, *quī-bam*, *ī-bam* (but generally *sci-ē-bam*); and to the vowel of derived verbs in *a* and *e*, as *amā-bam*, *monē-bam*. In consonant stems and derived verbs in *i* and most others a vowel is inserted, as *reg-ē-bam*, *audi-ē-bam*. This *ē* is frequently absent in old Latin in *i* verbs, but not in consonantal stems. Thus we have:—

aibam, aibas, aibat, aibant (Plautus and Terence).
scibam, scibas, etc. (Plaut., Ter., Lucr., Catullus).
nescibam (Turpilius 17, Ribb.).
servibas (Plaut. Capt. 247).
gestibant (Plaut. Asin. 315).
grundibat (Quadrigarius ap. Diomedem, p. 379; Caecilius, ib.).
insanibat (Ter. Phorm, 642); *mollibat* (Att.).
praesagibat (Plaut. Aul. 176); *stabilibat* (Enn. Ann. 44 v).
mollibat (Att. 630, Ribb.).
saevibat (Lucret. v. 1003); *accibant* (ib. 996); *hauribant* (ib. 1324).

And in later poets:—

parturibat (Phaedr. iv. 22, 1).
ambibat (Ovid, Met. v. 361); *audibat* (F. iii. 507).
audibant (Catull. 84, 8).

largibar (Prop. i. 3, 25).

lenibant (Verg. Aen. iv. 528); *nutribant* (ib. vii. 485, cp. xi. 572;) *insignibat* (ib. vii. 790); *vestibat* (viii. 160); *polibant* (viii. 436); *redimibat* (x. 538; Aus. Ep. 94).

And many others. See a larger list (without references) in Corssen, Beiträge, p. 840.

4.] We see then that this formation is a common one, but that it is almost, if not entirely, confined to the poets. The only instance I have as yet discovered from a prose author is *grundibat* from Quadrigarius, where the words cited by Diomedes, 'grundibat graviter pecus suillum,' have rather the air of a poetical quotation, being in fact as they stand a hendecasyllabic verse. If this be correct, we shall be more inclined to regard the form in *-ībam* as a contraction for *i-ēbam* than as an original form. This would further lead us to the conclusion that the form for all derived verbs was *ē-bam* rather than *-bam*, but that in *ama-ē-bam*, *mone-ē-bam* it became one with the vowel of the stem. There is considerable difficulty in explaining the origin of this *ē*. Bopp supposes it to be part of the suffix *-aja*, and as such it must originally have been confined to derived verbs; a supposition which gains force by a comparison of the parallel formation in *-bo*, which is universal for *a* and *e* stems, frequent in *i* stems, but very rare in consonantal. The *ē* will then be a part of the stem of derived verbs transferred by false analogy to the third conjugation. Corssen cuts the difficulty by supposing it transferred merely from the *ē* verbs to the third and partially to the fourth conjugation. (Beitr. p. 541.)

5.] The quantity of the *ā* in the termination is preserved except in the third singular: this was shortened, as early as the time of Ennius, for purposes of dactylic verse. So we have, Ann. 141 V:—

'Volturus in spinis miserum *mandēbăt* homonem;'

though also a remarkable instance to the contrary, ib. 314:—

'Noenum rumores *ponēbāt* ante salutem.'

As an archaism this is preserved in one or two places by Vergil; e. g. Geor. iv. 137:—

'Ille comam mollis iam *tondebāt* hyacinthi;'

Aen. v. 853:

'Nusquam *amittebāt* oculosque sub astra tenebat;'

both *in arsi*. But the instance *in thesi* sometimes quoted (as by W. Wagner, Aulularia, p. xix) from Aen. v. 167,—

'Cum clamore Gyas *revocābāt*: ecce Cloanthum,'

is extremely doubtful. It should probably be read *revocabat: at* or *revocabat; et*, according to the judgment of P. Wagner, Ribbeck, and Conington.

6.] *Future in* -BO. Just as *-bam* is explained on the analogy of *eram*, so is *-bo* on that of *ero*. *Ero* or **eso* is probably a future formation for **es-j-o*, Greek ἔσσομαι; and **fu-* is supposed to have had a future, **fu-i-o*, **fuo*=*-bo. Thus, while Greek appears to take one auxiliary to supply its future (e. g. λύ-ω, λύ-σω), Latin takes the other. Cp. Herzog, l. c. p. 51.

The general rule is that the future in *-bo* is confined to verbs of the first and second conjugations, the other two using the optative form; but there are a large number of verbs of the fourth and a few of the third which take this suffix. For a list of the former see Corssen, Beitr. p. 540, or, for a better one, Rönsch, It. und Vulg. p. 291. Of the latter we have instances in old Latin in *dicēbo* (Nov. Ribb. 9); *fidēbo* (ib. 10); *parībis* (Pompon. Ribb. 20); *exugēbo* (Plaut. Epid. ii. 2, 5); *reddībo* (id. Cas. i. 41; Men. 1038; Vidul. ap. Priscian, vi); *reddibitur* (Epid. i. 22, but not in MSS.). Rönsch also quotes from the Latin Bible, *diligebit*, *intendebis*, *metuebitis*, *obliviscebor*; to which we may add *fluebunt*, (John vii. 38, ap. Cypr. App. De Mont. Sin. et Sion, c. 9).

7.] In the same way, on the other hand, we have a number of subjunctives from verbs in *-e* in a future sense, especially in first person; e. g. *amoveam*, *augeam*, *commoneam*, *deleam*, *doceam*, *respondeam*, *videas*, *videant*, *appareas*, mostly from the Bible, *auges* = augebis (Iren.); and a few from classical writers, *misces* = miscebis (Apic. 2, 3); *persuadeam* = persuadebo (Petron. 46); *exorbeam* = exorbebo, Nonius (Rönsch, pp. 290, 291).

8.] These facts seem to confirm the conclusion that the form in *-bo* is a late one, and therefore rather applied to the derived verbs, and not to the consonantal. It is of universal application, except in the few instances above mentioned, in the first two conjugations, but the fourth, from its constant connection with

the third, is a sort of battle-ground between the two future formations—the optative and the modern form in *-bo*. The older consonantal conjugation also felt the influence of the new formation, but very slightly. Like the imperfect it shows a long *e* (except in *reddībo*, for which we have variants *reddăbo*), no doubt transferred, either as part of the general suffix of derived verbs, or by a false analogy from the second conjugation.

9.] The *Imperfect Optative* or *Subjunctive*. This is formed by adding *-rem* to the present stem. This *-rem* is supposed to be short for **erem*, **essem*, the optative of *eram* or **esam*; cp. *ames*, optative, from *amas*. This **erem* therefore originally = **esa-i-m*. In *essem* the double *s* appears to be only a compensation for the contraction of the vowels: cp. *adessint*, as a future, Lex. Rep. C. 198, 63; whilst in S. C. de Bacch. we have *eset*, *esetis*, *esent*.

The *Pluperfect* is formed in the same way from the perfect stem; see below.

The length of the contracted vowel in third singular is preserved occasionally.

E. g. Enn. Ann. 86 V:—

'Omnibus cura viris uter *éssēt* induperator,'

a remarkable instance *in thesi*, cp. *ponébat* above, § 5. And once in Hor. Od. iii. 5. 17:—

'Si non *perirēt* immiserabilis | captiva pubes.'

(See Corssen, ii. pp. 491, 502, 728, foll., who by a strange oversight quotes '*fuissēt* de' from Enn. Ann. 242.)

10.] *Composite Tenses formed from the Perfect Stem.* According to the theory above accepted (ch. xvii. § 19) on the formation of the perfects in *-vi* and *-ui*, there will be no difficulty in explaining these tenses as compounded with auxiliaries. There are, however, a number of forms in *-so*, *-sim*, *-sere* which require some discussion, and have been variously interpreted.

Corssen, ii. pp. 553–559, has given a full list of such forms, with references, from which I select the following (cp. Roby, § 619, p. 197):—

From *a* stems—

amasso; *amassis, amassint* (subjunctive).
reconciliasso, enicasso.
locassim; *locassint* (indicative).
servassit, servassint (subjunctive).

mercassitur, (Lex. Agr. 200, 71.)
averruncassere, (Pacuvius.)
impetrassere, (Plaut., four times.)
reconciliassere, oppugnassere, (id.)

From *e* stems—

habessit (subjunctive).

prohibessis (subjunctive), *prohibessit* (indicative and subjunctive), *prohibessint* (indicative).

From *i* stems—

ambissit, ambissint, (Pl. Amph. 69, 71, ex conj.)

From consonantals, etc.—

(*a.*) *ausim* (subjunctive), *iusso, iussis, iussit* (indicative); *iussim, iussitur*, (Cato R. R. 14.)

(*b.*) *faxo, faxim*, etc., especially *faxint, capso, capsit, capsimus, rapsit, surrepsit*; *faxitur* (Liv. xxii. 10), *nanxitur* (XII. Tabb.).

(*c.*) *axim, adaxint*; *dixis*; *comessit*; *empsim*; *parsis*, etc.

These forms, with the exception of *faxo, faxis, faxint, ausim, ausis*, are rare after the time of Terence, or are marks of affected archaism.

We have, however, *iusso* (Verg. Aen. xi. 467; Sil. xii. 175), *recepso* (Catull. xliv. 19), *tepefaxit* (ib. lxviii. 29), *ausit* (ib. lxi. 65, 70, 75; lxvi. 28; Ov. Met. vi. 465, and others).

11.] Grammarians, such as Madvig and Bopp (followed by Mr. Roby), derive these forms from the present stem, after the manner of the Greek future with *-s*, and explain the double *s* in *a* and *e* verbs as 'either a mode of marking the accent, or due to a mistaken etymology, as if the forms were analogous to *amasse* from *amavisse*, etc. Possibly both causes may have combined.' (Roby, § 622.)

12.] The comparison, however, of such forms with those acknowledged to be syncopated, e. g. *dixti*, *intellexti*, *extinxti* (Verg. Aen. iv. 682), *erasti* (Hor. Sat. ii. vii. 68), *misti* (Cat. xiv. 14); *accestis* (Verg. Aen. i. 201), *protraxtis* (Sil. xvi. 84), *scripstis* (Enn. Trag. 239V), as well as the probably syncopated *interdixem* (Catul. ap. Gell. xix. 9. 14), *exstinxem* (Verg. Aen. iv. 606), *vixet* (ib. xi. 118), *confluxet* (Lucr. i. 987), etc., and the infinitives *dixe, advexe, adduxe*, etc. (Plaut.), *consumpse* (Lucr. i. 233), *abstraxe* (id. iv. 648), *protraxe* (id. v. 1157), *surrexe* (Hor. Sat. i. 9. 73), *traxe*

(Verg. Aen. v. 786), *promisse* (Cat. cx. 5), etc., lead us to the conclusion that the others also are syncopated. In all these cases, then, the *i* of the perfect, (and sometimes the *v* or *u*,) has vanished, just as it has become short in the ordinary formation *tetigĕ-ro*, *fecĕ-ro*, for **tetigī-so*, **fecī-so*. So *amasso* is for **amavi-so*, *habessit* for **habevi-sit*, *faxo* for **facsi-so*. The double *s* is explained by the contraction, for it can hardly be merely the result of accent or false analogy. See the similar question in the Comparison of Adjectives (above, ch. xi. § 19, and compare Corssen, ii. p. 551, *note*).

CHAPTER XIX.

The Infinitive.

1.] The Infinitive is properly not a mood, but a number of verbal substantives of different origins. Nevertheless, some of these formations are best discussed under the head of verbs. Others, such as the ordinary participles, supines, gerunds, and gerundives, hardly need explanation in a work of this kind.

2.] What is ordinarily known as the *infinitive* is explained by most grammarians as the dative case of a verbal substantive, the stem of which originally ended in *-as*, with a dative in *as-ai*. So Schleicher quotes Sanskrit *ǵīv-ás-e*, from verb *giv*, 'to live,' *áj-as-ē*, from verb *i*, 'to go,' etc., which are used as infinitives (compare § 230, p. 470). This *as* appears to be the same termination as the *s* or *r* of Latin substantives, *genus*, *robur*, etc. The infinitive termination is formed by adding *-rĕ* (or *-rē*), for *-se* or *-sei*, to the present stem, and *-se* to the perfect stem. Thus we get

amā-re, *amavis-se*.
rege-re, *rexis-se*, etc.

The perfect stem, as we have seen, probably ended in *-īs* (above, ch. xvii, § 2), and therefore the two forms are exactly parallel.

In *es-se* and its compounds, and in *es-se* (**ed-se*), 'to eat,' is preserved the older form in *-se*. The termination in *-re* undergoes a remarkable assimilation in *vel-le* = vole-re, the converse to *caeruleus*, for *caeluleus*. *Fer-re* explains itself. *Fo-re* is from root *fu*.

3.] The final vowel *e*, for *ei*, was originally long, and so we find it not unfrequently in Plautus. Corssen (ii. p. 474) quotes the following instances.

Pseud. 355:—

'Ego scelestus núnc argentum *prómerē* possum domo.'

Truc. ii. 4. 74 :—

'Non aúdes aliquod míhi *darē* munúsculum.'

Stichus 513 :—

'Quám me ad illum *promíttere* nisi nóllem ei adversárier.'

Titin. ap. Non. 998 :—

'Ipsús quidem herclé *ducerē* sané nevolt.'

So the MSS., but Spengel, Ritschl, and Ribbeck alter the lines.

More frequently it is found with this quantity before the caesura pause in septenarii and octonarii, as *perderē* (Plaut. Asin. 420, Poen. 808), *redderē* (ib. 442), *crederē* (Poen. 1253 G), *reciperē* (ib. 811), *vorterē* (Merc. 125), *ducerē* (Mil. 1239), *viverē* (ib. 1275), *dicerē* (Ter. Andr. 613, but not in MSS.), *darē* (Heaut. 724); or again before a pause in the sense, or at the end of a speech, as *promerē* (Mil. 848), *dicerē* (ib. 1316), *darē* (Trin. 584).

4.] We have already spoken of this infinitive as a distinction between Latin and the other Italian dialects, which have an infinitive in *om*, *um*, *o*. So we have in Oscan *deicum*, *ascrum*, *ezum*, *moltaum*, *censaum*; in Volscian *ferom*; while older Umbrian has *aferum*, *eru*, later *afero*, *erom*. This is apparently an accusative case formed without any suffix from the verbal stem. Cp. the Latin accusatives *venum*, *pessum*, which can hardly be called infinitives; to which the ordinary use of a verbal substantive and the so-called supine forms a close parallel.

5.] The *Infinitive Passive* usually ends in classical Latin in *-ri* or *-i*, but there are abundant traces even in the best authors of an earlier form in *-rier*, *-ier*, the first in vocalic and derived verbs, the second in consonantal stems; e. g. *da-rier*, *cura-rier*; *leg-ier*. It does not occur very frequently in inscriptions of early date. We find *utier* in El. Scip. C. 33; S. C. Bacch. C. 196. 27, *gnoscier*, *figier*; Lex Rep. C. 198. 71, *avocarier* and *abducier*; Ep. Posillae Seneniae, C. 1306, *ornarier*: but these are all in republican times.

In the early poets it is frequent, and in the later ones it is a common archaism, used both for the sake of metre and euphony.

6.] Corssen interprets this form in the following manner (ii. pp. 478, 479). The final *r* is the ordinary reflexive pronoun of the passive (or *-se*). The rest is a feminine substantive, in one case with a longer, in the other with a shorter, suffix. *Amarier*

then will be originally **ama-sia-se*, 'loving oneself,' becoming **ama-sie-s*, *ama-rie-r*, and *figier* similarly **fig-ia-se*, **fig-ie-s*, *fig-ie-r*. The substantives **amasia*, **amaria*, **dasia*, **daria* will be parallel in form to *gloria*, *curia*, *iniuria*, etc. Similarly, the shorter forms **figia*, **utia* will be 'fixing,' 'using,' like *inedia*, *materia*. The vowel change from *a* to *e* is also similar to that in *mater-ia* and *mater-ie-s*.

The objection to this explanation is that it combines the (apparently) comparatively modern passive suffix with a substantive stem in no particular case, a mode of composition difficult, if not impossible, to parallel. Nevertheless, it avoids the difficulty which those fall into who adopt the more superficial explanation, that we have here a merely passive form of the infinitive active. This difficulty is the insertion of the *e* in *curarier*, *darier*, etc., which is not accounted for if we suppose them to be merely passive forms of *darei*, *dare*.

PART II.

INSCRIPTIONS.

INSCRIPTIONES LATINAE ANTIQVISSIMAE

INSCRIPTIONES VETVSTISSIMAE

BELLO HANNIBALICO QUAE VIDENTVR ANTIQVIORES.

NUMMI ANTIQVISSIMI

SAECULI FERE QVINTI.

C.I.L. I. 1. P.L.M. v.b. ROMANOM *antica.*
ante v.c. 490 : aes flatum formae quadratae v pondo.

C. 2. P.M. v.a. as libralis eiusdem aetatis.
ROMA *postica;* interdum additur L.

C. 5. P.M. v.d. asses librales L(ucerinorum) v.c. 440–500.
(1) L *p.* et L.PVLIO.L.F.C.MODIO.CN.F *a.*
(2) L *p.* et SE.POS. P. BAB *p.*

C. 11. P.M. vii. 67. seminummus argenteus Sig(ninorum) ante v.c. 486. SEIC vel SEIC *p.*

C. 12. P.M. vii. 39. ante v.c. 486.
(1) ar. CORANO *p.* (2) aer. KORANO *a.*

C. 13. P.M. vi. 1 sqq. stateres argentei etc., cusi plerique a Campanis v.c. 416–543.
ROMANO et ROMA.

C. 14. P.M. vii. 40*a*. 41*a*. post 481.
COZA *utrimque* vel COZANO *utrimque*
ONAZOC 40*b*. 41*b*. in Mus. Brit.

C. 15. P.M. vii. 38 etc. v.c. 420–486.
CALENO

C. 16. P.M. vii. 72. SVESANO *p*; PRBOVM *a*
rarius PROBOVM vel PROBOM

C. 19. P.M. vii. 30.
BENVENTOD *a* ; PROPOM *p.*

C. 20. P.M. vii. 22, 23.
(1) AISERNINO (2) AISERNINO raro AISERNIM *p* VOLCANOM *a.*

C. 24. P.M. vii. 49, 48. nummi Larinatium aerei.
(1) LADINEI (2) LADINOD.

CARMEN ARVALE.

C.I.L. I. 28. P.L.M. XXXVI A. Marini *Atti* xli. Orell. 2270. Lucus Deae Diae ad quintum ex urbe lapidem via Campana (i.e. Portuensi) hodie *Vigna Ceccarelli*, ubi tabulae multae nuper repertae sunt. Haec vero in basilica Vaticana a. 1778 effossa ibidemque servata. Textum dedi ex Orellio cum supplementis Marinii, carmen ex Mommseno.

1 [A.D. 218] .... Item IIII. Kal. Iunias | in Luco Deae
Diae Alfenius Avitianus Promagister ad Aram immolavit por-
3 cilias piaculares II Luci coinquendi et operis | faciundi, ibi
vaccam honorariam immolavit, et inde in tetrastylo reversus
4 subselliis consedit, deinde reversus ad Aram | extas reddidit por-
ciliares. Item in Circo, in foculo argenteo cespiti ornato extam
5 vaccinam reddidit, et in tetrastylo | reversus est, et in codice
cavit, et praetextam deposuit, et in papilione suo reversus (*est*).
6 Promeridie autem | Fratres Arvales praetextas acceperunt, et
in tetrastylo convenerunt, et subselliis consederunt et caverunt |
7 se adfuisse, et sacrum fecisse, et porcilias piaculares epulati
8 sunt, et sanguem. Postea inde praetextati | capite velato, vittis
spiceis coronati Lucum ascenderunt, et per Alfenum Avitianum
9 Promagistrum agnam | opimam immolaverunt, et hostiae lita-
tionem inspexerunt. Perfecto sacrificio omnes ture et vino
10 fecerunt, deinde | reversi in Aedem in mensa sacrum fecerunt
ollis, et ante aedem in cespite Promagister et Flamen sacrum
11 fecerunt. | Item foras ad Aram reversi thesauros dederunt. Item
12 Flamen et Promagister scyphos argenteos cum sumpuvis | vino
repletis ante osteum, (*et*) acerras (*ferentes*) ture et vino fecerunt,
13 et ante osteum restiterunt, et duo ad fruges petendas | cum
14 Publicis desciderunt et reversi dextra dederunt, laeva receperunt,
deinde ad alterutrum sibi redd*iderunt* | et Publicis fruges tra-
diderunt: deinde in Aedem intraverunt, et ollas precati sunt,

15 et ostiis apertis per clivum *iac*|uerunt; deinde subsellis marmoreis consederunt; et panes laureatos per Publicos partiti sunt
16 ibi omnes lumemulia [*lege* tum edulia ?] | cum rapinis acceperunt
17 et Deas unguentaverunt, et Aedes clusa est, omnes foris exierunt: ibi Sacerdotes | clusi succincti libellis acceptis carmen descindentes tripodaverunt in verba haec:

1 ENOS LASES IVVATE | *E*NOS LASES IVVATE ENOS LASES IVVATE
2 NEVE LVAE RVE MARMA SINS IN CVRRERE IN *P*LEORES
NEVE LVE RVE MARMAR|*SI*NS INCVRRERE IN PLEORIS
NEVE LVE RVE MARMAR SERS IN CVRRERE IN PLEORIS
3 SATVR EVRERE MARS LIMEN|*SALI* STA BERBER
SATVR FV FERE MARS LIMEN SAL*I* STA BERBER
SATVR FV FERE MARS LIMEN SA*LI* STA BERBER
4 | *SEM*VNIS ALTERNEI ADVOCAPIT CONCTOS
SEMVNIS ALTERNEI ADVOCAPIT CONCTOS
SIMVNIS ALTERN*EI* ADVOCA*P*IT | *CONCT*OS
5 ENOS MARMOR IVVATO
ENOS MARMOR IVVATO
E NOS MARMOR IVVATO
6 TRIVMPE TRIVMPE TRIVMPE TRIVM|*PE TRIV*MPE

Post tripodationem deinde signo dato Publici introierunt et libellos receperunt.

Carmen sic dividit Mommsenus.

Enos, Lases, iuvate, (*ter*)
Neve lue rue, Marmar, sins (*v.* sers) incurrere in pleores. (*ter*)
Satur fu, fere Mars . Limen sali . Sta. Berber. (*ter*)
Semunis alternei advocapit conctos. (*ter*)
Enos, Marmor, iuvato. (*ter*)
Triumpe. (*quinquies*).

SCIPIONUM ELOGIA.

C. 29–39. P.L.M XXXVII–XLII. Monumentum extra portam Capenam. Scipiones sarcophagis extracti, cineres sparsi, tituli arcaeque museo Vaticano illatae.

I. C. 29. L. Cornelius Scipio Barbatus cos. v.c. 456 cens. 464.

In sarcophagi margine superiore litteris rubro colore pictis non incisis. Sarcophagus, cum II, III, IV, VIII, ex lapide Albano.

*l. corneli*o · CN · F · SCIPIO

C. 30. In sarcophagi antica litteris incisis.

. . . .

. . . . . CORNELIVS · LVCIVS · SCIPIO · BARBATVS · GNAIVOD · PATRE
PROGNATVS · FORTIS · VIR · SAPIENSQVE ⊢⊣ QVOIVS · FORMA · VIRTVTEI · PARISVMA
FVIT—CONSOL · CENSOR · AIDILIS · QVEI · FVIT · APVD · VOS—TAVRASIA · CISAVNA
SAMNIO · CEPIT — SVBIGIT · OMNE · LOVC ANAM · OPSIDESQVE · ABDOVCIT

Cornéliús Lucíus Scípió Barbátus,
Gnaivód patré prognátus fórtis vír sapiénsque,
quoiús formá vírtuteí parísuma fúit,
consól censór aidílis queí fuít apúd vos,
Taurásiá Cisaúna Sámnió cépit
subigít omné Loucánam ópsidésque abdoúcit.

V. 3. quoiús fórma vírtu | teí parísuma fúit *Ritschl.*
quoiús formá virtútei | párisumá fúit *Bücheler.*
quoíus etc. *Corssen*, vide adnotata.

II. C. 31. L. Cornelius Scipio cos. 495 cens. 496.

Litteris pictis, in fragmento sarcophagi.

L · COR NELIO · L . F · SCIPIO
AIDILES · COSOL · CESOR

C. 32. litteris incisis—ad eundem recte referri videtur.

HONC OINO · ΓᒪOIRVME · COSENTIONT R
DVONORO · OΓTVMO · FVISE · VIRO
ᒪVCIOM · SCIΓIONE · FIᒪIOS BARBATI
CONSOᒪ · CENSOR · AIDIᒪIS · HIC · FVET · A
HEC · CE ΓIT · CORSICA · AᒪERIAQVE · VRBE
DEDET · TEMΓESTATEBVS · AIDE · MERETO

Numeros sic constituit Ritschelius et supplevit.

Honc oíno ploírumé coséntiónt R*omái*
duonóro óptumó fuíse viró *viróro*
Lucíom Scípióne. Fíliós Barbáti
consól censór aidílis híc fuét a*púd vos,*
hec cépit Córsica Áleriáque urbé *pugnándod,*
dedét Témpestátebus aíde méreto*d vótam.*

III. C. 33. P. Cornelius Scipio P. f. (Africani maioris filius?) litteris incisis in duabus tabulis quae olim anticam sarcophagi effecerunt.

QVEI · AΓICE INSIGNE · DIAL*is* *fl*AMINIS · GESISTEI
MORS ΓERFE*cit* TVA · VT · ESSENT · OMNIA
BREVIA · HONOS · FAMA · VIRTVSQVE
GLORIA · ATQVE · INGENIVM · QVIBVS SEI
IN · LONGA · LICV*i*SET · TIBE VTIER · VITA
FACILE · FACTEIS SVPERASES · GLORIAM
MAIORVM QVA · RE · LVBENS · TE·IN GREMIV
SCIΓIO RECIΓ*it* · TERRA · ΓVBLI
ΓROGNATVM · ΓVBLIO · CORNELI

Numeros sic constituit Ritschelius (excepto v. 2)

Quei ápice insígne diális fláminís gesístei
mors pérfecít tua ut éssent ómniá brévia
honós famá virtúsque glória átque ingénium:
quibús sei in lónga lícuisét tibe útier víta
facilé facteís superáses glóriám maiórum.
quaré lubéns te in grémiu, Scípió, récipit
terrá, Publí, prognátum Públió, Cornéli.

v. 2. Mors pérfécit túa ut éssent ómnia brévia *Ritschl.*

IV. C. 34. L. Cornelius Scipio Cn. f.; quis fuerit ignotum. Tabula ex sarcophago.

L · CORNELIVS · CN · F · CN · N · SCIPIO · MAGNA · SAPIENTIA
MVLTASQVE · VIRTVTES · AETATE · QVOM · PARVA
POSIDET · HOC · SAXSVM · QVOIEI · VITA · DEFECIT · NON
HONOS · HONORE · IS · HIC · SITVS · QVEI · NVNQVAM
VICTVS · EST · VIRTVTEI · ANNOS · GNATVS · XX · IS
l ·· EIS · M*A*NDATVS · NE · QVAIRATIS · HONORE
QVEI MINVS · SIT MAND*AT*VS

Numeros sic constituit Ritschelius,

Magná sapiéntiá multásque vírtútes
aetáte quóm párva pósidét hoc sáxsum,
quoieí vitá defécit nón honós honóre.
Is híc sitús queí númquam víctus ést virtútei.
Annós gnatús vigínti ís *Dit*eís*t* mandátus,
ne quaíratís honóre queí minus sít mandátus.

v. 5. Lo*c*EIS *Mommsen*. LETO · EST *Lachmann*. D*it*EIS*t* v. D*eit*IS*t* *Ritschl*.

V. C. 35. L. Cornelius Scipio, P.n. quaestor u. c. 587 † c. a. 593. In tabula sarcophagi ex topho.

L · CORNELI L · F P *n*
SCIPIO · QVAIST
TR · MIL · ANNOS
GNATVS XXX · III
MORTVOS · PATER
REGEM ANTIOCO
SVBEGIT

VI. C. 36. c. a. 600? Sarcophagus ex topho.

RNELIVS · L · F · L · N
*PI*O ASIAGENVS
*C*OMATVS ANNORV
*G*NATVS · XVI

VII. C. 37. Fragmentum sarcophagi ex topho.

S
sci PIONEM
qu O · AD VEIXEI

VIII. C. 38. C. Cornelius Scipio Hispanus, pr. u. c. 615. In tabulis tribus lapidis Albani.

I	II CN. CORNELIVS · CN · F III	III SCIPIO · HISPANVS
	PR · AID · CVR · Q.	TR·MIL·II·XVIR·SL·IVDIK XVIR.SACR.FAC
	VIRTVTES GENERIS MIEIS MORIBVS ACCVMVL	AVI
	PROGENIE MI GENVI FACTA PATRIS PETIEI	
	MAIORVM OPTENVI LAVDEM VT SIBEI ME ESS	E CREATVM
	LAETENTVR STIRPEM NOBILITAVIT HON	OR

IX. C. 39. Sarcophagus, maiore ex parte ex lapide Tiburtino.

*p*AVLLA · CORNELI · CN·F · HISPALLI

C. 40. In Privernatis lapidis fragmento. Sirmondus *Scip. Elog.* p. 1836 Graev.: praeterea nemo.

APPIOS CONSOL

C. 42. P.M. II.A. In capite arietis aereo, extat Vindobonae in antiquario.

ATILIIIS	Atilies
SARANIIS · C · M · F	Saranes C(ai et) M(arci) f(ilies ?)

POCULA SPECULA SIMILIA INSCRIPTA.

C. 43–60. In Etruria inferiore plerumque aut Praeneste reperta, ideoque Tuscanicae artis cum Latinis inscriptionibus sunt, et quinto vel sexto saeculo attribuenda.

C. 43. P.M.X.B*b*. In patera nigri coloris Volcis reperta, extat in Mus. Brit.

AECETIAI · POCOLOM

C. 44. P.M.XI.G. Romae in Mus. Campanae, olim Florentiae.

BELOLAI · POCOLOM

C. 45. Hodie ubi sit non constat. cp. *Eph. Ep.* 6. P.L. *Supp.* V. p. 10.

COERAE · POCOLO

C. 46. P.M. x.D*d*. In patera nigra Volcis reperta. Rom. in Mus. Gregoriano.

KERI · POCOLOM

C. 47. P.M.x.E*e*. In patera nigra Orte rep. Romae ibidem.

LAVIIRNAI · POCOLOM

C. 48. P.M.x.A*a*. Litteris albis in oenochoe nigra ansata Romae in Mus. Camp.

SAIITVRNI · POCOLOM

C. 49. P.M.x.F*f*. In patera nigra Orte rep. In Mus. Gregor.

SALVTES · POCOLOM

C. 50. P.M.x.*cc*. In patera nigra picturis albis, ex Tarquiniis (non Volcis) *Gerhard*. In Mus. Berolin.

VOLCANI · POCOLOM

Ephemeris Epigraphica 5. P.L. *Supp.* V. p. 9. in poculo nigro picturis albis. Simillimum est Volcani poculo

AISCLAPI · POCOCOLOM

C. 51. P.M.I.C*c*. In collo protomae aheneae Medusae. Romae in Mus. Kircheriano.

C · OVIO · OVF · FIIC$_{I}^{T}$

C . O vio(s) Ouf(entina) fecit.

C. 52. P.M.I.B*b*. In pallio statuae ahen. Iovis. Romae ibidem.

C POMPONI QVIR · OPOS

C. Pomponi Quir(ina) opos.

Eph. Ep. 7*a* (*b*) In parte interiore patellae cretaceae nigrae. Rep. Tarquiniis. cp. C. 53.P.M.x.I*i*.

L · CANOLEIOS · L · F · FECIT · CALENOS

Eph. Ep. 8*a* (*b*, *c*) In patellae cretaceae nigrae fundo. Rep. Tarquiniis, nunc Petroburgi.

RIITVS · GABINIO · C · S · CALIIBVS · FIIC TII ·

C. 54. P.M.I.A*a*. cp. *Eph. Ep.* 17 In Cistae Ficoronianae operculo. rep. in agro Praenestino: hodie Romae in Mus. Kircher.

. TIDƎD . IAƎ⅃IƎ . AIN⅃OƆAM . AIDNID

NOVIOS . PLAVTIOS . MED ROMAI . FECID

Dindia Macolnia fileai dedit.

Novios Plautios med Romai fecid.

Sub uno cistae pede videtur esse nomen MAQOLNIA

C. 1500, add. p. 553. P.M enarr. p. 98 o. In operculo cistae Praeneste repertae. Figurae cum nominibus, litteris satis peculiaribus. Nomina sunt

Micos Aciles Victoria Hercles Diesptr Iuno Mircurios Iacor (*sub fig. Memnonis*) Aiax Vepitus (?).

C. 1501, add. p. 554. P.M enarr. p. 98 P. In cista simul reperta, hod. in Mus. Berolin.

Venus Aucena

Casenter(a) Crisida Aiax Oinumama Teses Alixente[r] Ateleta Alsir Felena

C. 55. P.M.I.E. In speculo Praeneste rep. cum cista Ficoron. cum figuris.

POLOCES LOSNA AMVCES

Eph. Ep. 18 Speculum Praeneste rep. 1868 cum figuris.

CASTOR . AMVCOS POLOVCES

Eph. Ep. 19 Praeneste in cista cum figuris. In operculo: Ebrios. In ipsa cista: Silanus Doxa Laoumeda Aiax. Ilios Leces (in tabella columnae adfixa) Soresios Acmemeno Istor Lavis.

Eph. Ep. 20 in cista rep. Praeneste cum figuris,

Castor Pater · Poumilionom vel Polmilionom.

Eph. Ep. 21 Cista aerea nuper Praeneste rep. nunc Romae apud Martinettium. Nomina oblique scripta cum figuris,

Iovos Apolo Menerva Diana

Iuno Mercuris Leiber Victoria Mars Fortuna.

Eph. Ep. 22 in speculo Praeneste rep. cum figuris,

Telis Aiax Alcumena

Eph. Ep. 23 in speculo prope Praeneste rep. 1866 cum figuris,

Taseos Luqorcos Pilonicos · Taseio filios

Eph. Ep. 24 Speculum Praeneste rep.

Marsuas Painiscos

Vibis Pilipus cailavit

C. 56. P.M. I. G. In speculo. Mus. Kirch.

IVNO IOVEI HERCLE

C. 57. add. p. 554. P.M. XL. M. cf. *Supplem.* I. Speculum rep. Orbetelli (Cosae). In Mus. Parisino.

DIOVEM
VENOS PROSEPNAIS

C. 58. P.M. XL. N. In speculo orig. inc. In Mus. Campanae.

CVDIDO (sic) · VENOS · VITORIA RIT(*us*)?

C. 59. P.M. I. F. In speculo. Berolini Mus. Reg.

MIRQVRIOS A⊾IXENTROM

C. 60. P.M. XL. O. In speculo. Romae, apud Depoletium.

OINOMAVOS ARIO ME⊾ERPANTA

ANTIQVISSIMA EX LATIO.

C. 61. P.M. XLIX. E. Titulus Lanuvinus. In aedibus Ios. di Marco.

· AIDI⊾IS
moltaticod AIRID
*coir*AV*it*

C. 62. P.M. II. E. Lamina Tiburtina. Parisiis Mus. pub.

(*a*) C · Γ⊾ACENTIOS · HER · F · i.e. Her(ii)
MARTE · SACROM

(*b*) C · Γ⊾ACENTIVS · HER · F
MARTE · DONV · DEDE

C. 63. P.M. XLIX. B. In columna parva Tusculi prope sep. Furiorum. Extat in villa Rufinella.

M · FOVRIO · C · F · TRIBVNOS
MI⊾ITARE · DE · ΓRAIDAD · MAVRTE · DEDET

C. 64. Ibidem

M . FOVRIO . C . F . TRIBVNOS
*milita*RE . DE . ΓRAIDAD . FORTVNE . DEDET

C. 65–72. P.M. XLIX. A. Tituli ex Sepulcris Furiorum, Tusculi.

‹ · TVRΓ⊾EIO · ‹ · F, Q · FOVRIO · A · F et similia.

C. 73, add. p. 554. Aliter Ritschl. *Supp.* II. p. 7. Praeneste ad ecclesiam S. M. dell' Aquila.

...	APOLON *iputio?*	APOLONE(*i*) · *tutelare*(*i*)
	METILIO	*s.* METILIO*s* . *s.f.m.opio.m.f*
	MAGISTERE *s* ...	MAGISTERE(*is*) · *faciund*
	CORAVERON *t*	CORAVERON *t* · *de. conl. s*
	C·ANICIO·L·S aufio	C . ANICIO . L . S (T) . *l.apela.va*
	probAveront	RIANDO . *praefuit*

C. 74–165, add. p. 554, 555. P.M. XLV–XLVII. *Eph. Ep.** 25–131. Sepulcrum Praenestinum. Tituli plurimi conservantur Praeneste in domo Barberina. Nomina haec sunt, **Acuti*(*os*), v. **Aguti*(*os*), v. **Aquti*(*os*), **Afilius*, *Avilios*, **Av*(*i*)*lia*, **Ancili*(*os*), *Anici*(*os*), *Anicia*, *Ania*, *Antestia*, **Antonio*(*s*), *Aptronio*(*s*), *Aptronia*, **Aracilia*, *Atilia*, *Boufilio*(*s*), *Caltius*, *Caltia*, *Camelio*(*s*), *Carmei*(*os*), *Casios*, *Cauci*(*os*), **Cepolie*(*s*), *Cesti*(*os*), *Cestia*, **Cincia*, *Colionia* (add. p. 555), *Comeni*(*os*), *Comenia*, **Comio*(*s*), *Cordi*(*os*), *Cordia*, *Coriario*(*s*), *Coricia*, **Craisli*(*os*), **Cumia*, *Cupi*(*os*), *Curtia*, **Dindi*(*os*), **Epoleius*, *Epuleia*, **Etrilia*, *Fabrecio*(*s*), v. *Fabrici*(*os*), *Fabricia*, **Fidenati*(*os*), **Flavios*, **Fouri*(*os*), **Geminio*(*s*), **G*(*e*)*minia*, **Gesia*, *Gessius*, *Herenio*(*s*), **H*(*e*)*ria*, *Iunius*, *Iunia*, **Labeoni*(*us*), *Lorelano*(*s*), *Magolnio*(*s*), v. *Macolnio*(*s*), *M*(*a*)*golnia*, **Mamio*(*s*), **Manici*(*os*), **Mat*(*i*)*lia*, **Minucia*, *Mutilio*(*s*), **Noricia*, *Num*(*i*)*toria*, **Octavi*(*os*), *Opio*(*s*), v. *Oppi*(*os*), *Opia*, *Orcevio*(*s*), v. *Orcvios*, *Orcevia*, **Pacilia*, *Patoleia*, *Pesc*(*e*)*n*(*ia*), **P*(*e*)*tronio*(*s*), *Plautio*(*s*), *Plautia*, **Poldia*, *Pomponi*(*os*), *Popilia*, *Proqilia*, **Pullius* v. **Pulius*, **Pupi*(*os*), *Roscio*(*s*), *Rutilia*, **Samiari*(*us*), **Satricani*(*us*), **Saufeia*, *Saufi*(*os*), *Sehia*, *Selicia*, **Shlicio*(*s*), **Servia*, *Tampio*(*s*), *Tapios*, *Tapia*, **Terebuni*(*us*), **Terentia*, *Titia*, **Titoleia*, **Tondi*(*os*), *Tutia*, *Var*(*ios*), *Vatronia*, *Vebidia*, *Vehilia*, *Vergelia*, *Vestori*(*os*), **Vetteia*, **Vol*(*e*)*ntili*(*os*), **Volentilia*, *Usoro*.

Virorum praenomina praeter usitata sunt, *Mai*(*os*), *Nu*(*merios*), *Opi*(*os*), *Pes*(*cennius*), *Pla*(*utius*), *Sta*(*tius*), **Tirri*(*os*), *Tr*(*ebius*).

Observanda sunt feminarum praenomina *Maio*(*s*) i.e. *Maio*(*r*), *Mino*(*s*) i.e. *Mino*(*r*), *Cemna* i.e. *Gemina*, *Gemela* i.e. *Gemella*, *Maria* (149, *Eph.* 64), *Graeca* (155), **C*(*aia*) (*Eph.* 49), v. **Gaia* (*ib.* 69), **L*(*ucia?*) (*ib.* 90), *Rudia* (1501, c.), **T*(*e*)*rtia*, v. **Tert*(*ia*) (*Eph.* 51, 108).

Cognomina raro adiunguntur, *Alb*(*inus*), *Flacus*, *Nasica*, *Numa*. Cognomina mulierum duo sola reperiuntur.

ATLIA . A . L | LAIS *Eph.* 33, ET*r*ILIA . L . F . LONGA *ib.* 63.

ANTIQVISSIMA EX PICENO.

C. 167–180. P.L.M. XLIII, XLIV. In sacrario et luco Pisaurensi rep. 1738 et in Mus. Oliverianum delata.

C. 167. APOLEN[illegible] in cippo, ut ceteri paene omnes.

C. 168. CIISVLA
ATILIA
DONV
DAT DIANII

C. 169. FERONIA
STA · TETIO
DEDE

C. 170. FIDE

C. 171. IVNO · LO | VCINA

C. 172. IVNONII

C. 173.	IVNONE · RE	Iunone Re(ginae)
	MATRONA	matrona(e ?)
	PISAVRESE	Pisaure(n)se(s)
	DONO · DEDROT	dono(m) ded(e)ro(n)t.

C. 174. LIIBRO in cono,

C. 175. DEI · MARI | CA i.e. Dei(vae) Marica(e).

C. 176. MAT · M | ATVT

C. 177. MATRE
MATVTA
DONO · DIIDRO
MATRONA
M · CVRIA versus tres extremi postea additi videntur.
POLA · LIVIA
DEDA

C. 178. DEIV · NOV | E · SEDE
. . . . . . | . . . .
T · POPAIO · PO | PF

C. 179. SALVTE

C. 180. . . . . . .
NOMELIA
DEDE

C. 181, ad ectypum ab Huebnero missum. Tabella ahenea quinque quaestorum. Firmi in agro Piceno rep. Extat in Mus. Parisino.

L · TERENTIO · L · F
C · APRVFENIO · C · F
L · TVRPILIO · C · F
M · ALBANI · L · F
T · MVNATIO · T · F
QVAISTORES
AIRE · MOLTATICOD
DEDERONT

ANTIQVISSIMA EX MARSIS.

C. 182. PM.III.D. 'Marsis prope Milioniam,' i.e. in Monte de Vico prope Lecce. Hodie inveniri non potest.

V. A*t*IIIDIV*s*	V(alesus?) Atiedius
VII*s*VNII	Vesune
IIRINIII · IIT	Erinie et
IIRINII	Erine
ΓATRII	patre
DONO · MII*r*I	dono(m) meri(to)
⅃IB*s*	lib(en)s

C.183, add. p. 555. P.M.XCVIII.D. Titulus Supinas. Trasacci, in portae epistylio cum no. 184. Extare videtur Neapoli.

VECOS · SVΓN	Vecos Sup(i)n(as)
VICTORIE · SEINQ	Victorie Seinq(ue)
DONO · DEDET	dono(m) dedet
LVBS · MERETO	lub(en)s mereto.
QVEISTORES	Queistores
SA · MAGIO · ST · F	Sa(lvios) Magio(s) St(atii) f.
ΓAC · ANAIEDIO · SI	Pac(uios) Anaiedio(s) S(purii) f.?

C. 184.

SA · STA · FL ·	Sa(lvius) St(atius) Fl(avii) Vic(toriae)
VIC · D · D · L ·	d(onum) d(ant) l(ibentes) m(erito).
M	

ANTIQVISSIMA LOCORUM VARIORUM.

C. 185. VENVSIAE olim in exteriore parte aediculae S. Nicola della Capuana, ubi iam non extat.

Versus tres desiderantur

Q · RAVEL*io* / *f*
P · COMINIO · P · F
L · MALIO · C · F
QVAISTORES
SENATV D
CONSVLVERE
IEI/CENSVERE
AVT · SACROM
AVT · POVBLICOM
ESE ///////'

C. 185. etiam Venusiae et argumenti similis. Videtur periisse.

C. 187. P.M. II. B. Tabella ahenea: hodie desideratur.

M · MINDIOS · L · FI	M. Mindios L. fi(lius)
P · CONDETIOS · VA · FI	P. Condetios Va(lesi ?) fi(lius)
AIDILES · VICESMA · PARTI	aidiles vices(i)ma(m) parti(m)
APOLENES · DEDERI	Apolenes dederi.

C. 190. P.M. I. D. Parva basis ex lapide. Florentiae in Mus. Medic.

. . MISIO MAR*ti*

M · TEREBONIO · C · L ·

DONVM · DAT · LIBENS

MERITOD

C. 194. *Unt. Dial.* p. 364. tab. XV. cp. Add. p. 555. Reperiuntur in sylloge inserr. in MS. Gudianis, et in codice quodam Bononiae extanti, ubi adicitur hanc, una cum altera quae sequitur, legi in lamminis duabus aereis repertis Sulmone. Lingua Frentana sunt.

CIA PACIA MINERVA	ST · PONTIIS
BRAIS · DATAS · PID · SEI · DD · I	N · PONTIIS
BRATOM PAMPPERCI	V · ALPIS
SEFFI · I · NOM · SVOIS	TR · AMDIS
CNATOIS	IOVIOIS
	PVCLOIS · SEST · A · PLIINS

[Lu]cia Pacia Minerva(e) [inom Cu]brais. . . . . .
. . . seffi inom suois cnatois

P.L. Suppl. II. p. 12. Lamella Bononiensis

	IVNONE · LOVCINAI	
O		O
	DIOVIS · CASTVD · FACITVD	

P.L. Suppl. III. p. 1. Titulus Calenus

C · HINOLEIO · C · L

APOLONE · DONO · DED

COLUMNA ROSTRATA C. DVILII cos. v.c. 494.

C. 195. P.M. xcv. Columna ex Pario marmore reperta in Foro a. 1565. Extat in aedibus Conservatorum Capitolinis.

*secest*ANO*sque* . . . . *op-*
*sidione*D · EXEMET · LECIONE*sque cartaciniensis omnis*
*ma*XIMOSQVE · MACISTR*a*TOS · L*uci palam post dies*
*n*OVEM · CASTREIS · EXFOCIONT · MACEL*amque opidom vi*
*p*VCNANDOD · CEPET · ENQVE · EODEM · MAC*istratud bene*
*r*EM · NAVEBOS · MARID · CONSOL · PRIMOS · C*eset copiasque*
*c*LASESQVE · NAVALES · PRIMOS · ORNAVET · PA*ravetque*
CVMQVE · EIS · NAVEBOS · CLASEIS · POENICAS · OMN*is item ma-*
*x*VMAS · COPIAS · CARTACINIENSIS · PRAESENTE*d hanibaled*
DICTATORED · OL*or*OM · INALTOD · MARID · PVCN*andod vicet*
*v*IQVE · NAVE*is cepe*T · CVM · SOCIEIS · SEPTER*esmom unam quin-*
*qu*er*esm*OSQVE · TRIRESMOSQVE · NAVEIS · X*xx merset xiii*
*auro*M · CAPTOM · NVMEI · ↀↀↀDCC
*arcen*TOM · CAPTOM · PRAEDA · NVMEI · ↂ[ↂ]
omne · CAPTOM · AES · ↂↂↂↂↂↂↂↂↂↁ * * * * *
* * ↂↂↂↂↂↂↂↂↂↂↂↂↂↁ * * * * *pri-*
*mos qu*OQVE · NAVALED · PRAEDAD · POPLOM *donavet pri-*
mosque CARTACINI*ens*IS *ince*NVOS · D*uxit in*
triumpod . . . . . EIS . . . . . CAPT . . . .

. . . *Secest*ano*sque* . . . . *op*|*sidione*d exemet, lecione*sque Cartaciniensis omnis* | *ma*ximosque macistratos l*uci palam post dies* | *n*ovem castreis exfociont, Macel*amque opidom vi* | *p*ucnandod cepet. Enque eodem mac*istratud bene* | *r*em navebos marid consol primos c*eset, copiasque* | *c*lasesque navales primos ornavet pa*ravetque.* | Cumque eis navebous claseis Poenicas omn*is, item ma*|*x*umas copias Cartaciniensis, praesente*d Hanibaled* | dictatored ol*or*om, in altod marid pucn*andod vicet.* | *V*ique nave*is cepe*t cum socieis septer*esmom unam, quin*|*queres-mo*sque triresmosque naveis x*xx; merset xiii.* | *Auro*m captom: numei MMMDCC. | *Arcen*tom captom, praeda: numei CCCIↃↃↃ CCCIↃↃↃ | *Omne* captom, aes CCCIↃↃↃ etc. | (plus vicies semel). | *Pri mos qu*oque navaled praedad poplom *donavet pri*|*mosque* Cartacini*ens*is *ince*nuos d*uxit in* | *triumpod* . . . . eis . . . . capt . . . . .

INSCRIPTIONES A BELLO HANNIBALICO AD C. CAESARIS MORTEM.

PARS PRIOR.

INSTRUMENTA PUBLICA POPULI ROMANI.

DECRETUM L. AEMILII PAULI D. 19 M. IAN. V. C. 565 = A. C. 189.

C. II. (*Inscr. Hispan.*) 5041. Bruns' Fontes Iuris Rom. Ant. ed. 1872, p. 119. Lammina ahenea, reperta a. 1866 aut 1867 in montibus *la sierra de Ronda* dictis, inter Obam et *Alcalá de los Gazules*, in Baetica. Servatur Parisiis in museo publico (*Louvre*).

ᒪ AIMIᒪIVS · ᒪ · F · INΓEIRATOR · DECREIVIT
VTEI · QVEI · HASTENSIVM · SERVEI
IN · TVRRI . ᒪASCVTANA · HABITARENT
ᒪEIBEREI · ESSENT . AGRVM · OΓΓIDVMQV
QVOD · EA · TEMΓESTATE · ΓOSEDISENT
ITEM · ΓOSSIDERE · HABEREQVE
IOVSIT · DVM · ΓOΓᒪVS · SENATVSQVE
ROMANVS · VEᒪᒪET · ACT INCASTREIS
AD · XII · K · FEBR

L. Aimilius L. f. inpeirator decreivit utei quei Hastensium servei in Turri Lascutana habitarent leiberei essent. Agrum oppidumqu(e) quod ea tempestate posedisent item possidere habereque iousit, dum pop(u)lus senatusque Romanus vellet. Act(um) in castreis a. d. xii. K(al). Febr.

Epistula consulum ad Teuranos,

SIVE SENATUS CONSULTUM DE BACCHANALIBUS,

v.c. 568 = a.c 186.

C. 196. P.M. xviii. Bruns, p. 105. Lammina ahenea olim clavis parieti adfixa, rep. a. 1640 Tirioli, cum fundamenta novarum aedium effoderentur. Tirioli vicus est in Bruttiis inter Cantanzarum et Nicastrum in montibus inter utrumque mare medius. Adservatur in museo Caesareo Vindobonensi.

1 *Q*. Marcius L. f. S(p). Postumius L. f. cos. senatum con-
2 soluerunt n. Octob. apud aedem | Duelonai. Sc(ribendo)
arf(uerunt) M. Claudi(us) M. f. L. Valeri(us) P. f. Q.
Minuci(us) C. f. —.

3 De Bacanalibus quei foideratei | esent ita exdeicendum cen-
suere.

4 Neiquis eorum *B*acanal habuise velet. Sei ques | esent quei
sibei deicerent necesus ese Bacanal habere, eeis utei ad
5 pr(aetorem) urbanum | Romam venirent deque eeis rebus,
6 ubei eorum v*erb*a audita esent, utei senatus | noster de-
cerneret, dum ne minus Senatorbus C adesent, *quom* ea
7 res cosoleretur. | Bacas vir nequis adiese velet ceivis Ro-
8 manus neve nominus Latini neve socium | quisquam, nisei
pr(aetorem) urbanum adiesent, isque *d*e senatuos senten-
9 tiad, dum ne | minus senatoribus C adesent, quom ea res
cosoleretur, iousis*e*t. Ce*n*suere. |

10 Sacerdos nequis vir eset. Magister neque vir neque mulier
11 quisquam eset. — | Neve pecuniam quisquam eorum co-
12 moine*m* *h*abuise ve*l*et, neve magistratum | neve pro magi-
stratu*d* neque virum *neque mul*ierem quiquam fecise velet. |
13 —Neve post hac inter sed conioura*se* *neve* comvovise neve
14 conspondise | neve conpromesise velet, neve quisquam fidem
15 inter sed dedise velet. | Sacra in *o*quoltod ne quisquam
16 fecise velet, — neve in poplicod neve in | preivatod neve
17 exstrad urbem sacra quisquam fecise velet,—nisei | pr(ae-
torem) urbanum adieset isque de senatuos sententiad, dum

18 ne minus | senatoribus C adesent, quom ea res cosoleretur, iousiset. Censuere. |

19 Homines plous V oinvorsei virei atque mulieres sacra ne
20 quisquam | fecise velet, neve inter ibei virei plous duobus
21 mulieribus plous tribus | arfuise velent, nisei de pr(aetoris)
22 urbani senatuosque sententiad, utei suprad | scriptum est.—

23 Haice utei in coventionid exdeicatis ne minus trinum | noundinum; senatuosque sententiam utei scientes esetis —
24 eorum | sententia ita fuit: sei ques esent, quei arvorsum
25 ead fecisent, quam suprad | scriptum est, eeis rem capu-
26 talem faciendam censuere — atque utei | hoce in tabolam
27 ahenam inceideretis, ita senatus aiquom censuit; | uteique eam figier ioubeatis ubei facilumed gnoscier potisit;—at-
28 que | utei ea Bacanalia, sei qua sunt, exstrad quam sei
29 quid ibei sacri est, | ita utei suprad scriptum est, in diebus
30 X, quibus vobis tabelai datai erunt, | faciatis utei dismota sient—in agro Teurano.

LEX INCERTA REPERTA BANTIAE

ROGATA INTER V.C. 621 ET 636 = A.C. 133–118.

C. 197. P.M. XIX. Bruns, p. 38. ‘Fragmentum tabulae aheneae, in Lucania prope Bantiam antiquam a. 1793 (cum V frustulis minoribus) repertum, hodie Neapoli in museo Borbonico asservatum, latum 0,38 m. altum 0,26 m., totius tubulae ut plurimum pars sexta vel octava. Utrimque leges inscriptae sunt, ex altera parte lex Osca ex altera Romana. Legis Latinae capita servata ad extremam tantum legis partem, generales scilicet legum sanctiones pertinent, unde ipsius legis sententia cognosci non potest.’ Ratio inter utramque legem incerta, sed Oscam ex lege aliqua P. R. versam esse Mommseno pro certo habetur, et probabili coniectura ab ipsa hac cuius secuntur

fragmenta. Notae numerales in lacunis hic et alibi litterarum perditarum summam indicant, quibus tamen non est nimis confidendum.

1 | . . . . 64 . . . . . *ne*que prov*inciam* . . . . . 45 . . . . |
2 . . 42 . . in sena*tu seiv*e in poplico ioudicio ne sen*tentiam*
3 *rogato tabellamve nei dato* . . 32 . . | . . 42 . . *neive is testu-*
*mon*ium deicito neive quis mag(istratus) testumonium poplice
4 ei de*ferri neive den*ontiari | *sinito. Neive ioudicem eum neive*
*arbitrum neive recupe*ratorem dato. Neive is in poplico luuci
5 praetextam neive soleas h*abet*o, neive quis | *mag*(*istratus*) *ibei*
*praetextam soleasve habere eum sini*to. Mag(istratus) quei-
quomque comitia conciliumve habebit, eum sufragium ferre
6 nei sinito, | *neive eum censor in senatum legito neive in senatu*
relinquito.— |

7 *Sei tr*(*ibunus*) *pl*(*ebei*), *q*(*uaestor*), *IIIvir cap*(*italis*), *IIIvir*
a(*greis*) *d*(*andeis*) *a*(*dsignandeis*), *ioudex*, quei ex hace lege
plebeive scito factus erit, senatorve fecerit *g*esseritve, quo ex
8 hace lege | *quae fieri oporteat minus fiant*, *quaeve e*x h(ace)
l(ege) facere oportuerit oportebitve non fecerit sciens d(olo)
9 m(alo); seive advorsus hance legem fecerit | *sciens d*(*olo*)
m(*alo*): *ei multa tanta esto HS* . . *n*(*ummum*) *et* eam pequ-
niam quei volet magistratus exsigito. Sei postulabit quei
10 petet, pr(aetor) recuperatores | . . 31 . . *quos quotque dari opo*r-
teat dato, iubetoque eum, sei ita pariat, condumnari popul(o),
11 facitoque ioudicetur. Sei condemnatus | *erit*, *quanti condem-*
natus erit, *praedes* ad q(uaestorem) urb(anum) det, aut bona
eius poplice possideantur facito. Sei quis mag(istratus) mul-
12 tam inrogare volet | *quei volet dum minoris* partus familias
taxsat, liceto, eiq(ue) omnium rerum siremps lexs esto, quasei
13 sei is haace lege | *pequniam*, *quae s*(*upra*) *s*(*cripta*) *e*(*st*), *ex-*
egisset.— |
14 *Co*(*n*)*s*(*ul*), *pr*(*aetor*), *aid*(*ilis*), *tr*(*ibunus*) *pl*(*ebei*), *q*(*uaestor*),
IIIvir cap(*italis*) *IIIvir a*(*greis*) *d*(*andeis*) *a*(*dsignandeis*), *qu*ei
nunc est, is in diebus V proxsumeis, quibus queique eorum
15 sciet h(ance) l(egem) popolum plebemve | *iousisse*, *iouranto*,
utei i(*nfra*) *s*(*criptum*) *est. Item* dic(tator), co(n)s(ul), pr(ae-
tor), mag(ister) eq(uitum), cens(or), aid(ilis), tr(ibunus) pl(ebei),

q(uaestor), IIIvir cap(italis), IIIvir a(greis) d(andeis) a(d-
16 signandeis) ioudex ex h(ace) l(ege) plebive scito | *factus* . . . .
queiquomque eorum post hac factus erit, eis in diebus V prox-
sumeis, quibus quisque eorum mag(istratum) inperiumve
17 inierit, iouranto, | *utei i(nfra) s(criptum) est. Eis consistunto*
*pro ae*de Castorus palam luci in forum vorsus, et eidem in
18 diebus V apud q(uaestorem) iouranto per Iovem deosque |
*Penateis: sese quae ex h(ace) l(ege) oporte*bit facturum, neque
sese advorsum h(ance) l(egem) facturum scientem d(olo)
19 m(alo), neque seese facturum neque intercesurum, | *quo, quae*
ex h(ace) l(ege) oportebit, minus fiant. Q*u*ei ex h(ace) l(ege)
non iouraverit, is magistratum inperiumve nei petito neive
20 gerito neive habeto, neive in senatu | *sententiam deicito dei-*
cerere eum ni quis sinito, neive eum censor in senatum legito.
Quei ex h(ace) l(ege) ioudicaverit, is facito apud q(uaestorem)
21 urb(anum) | *eius quei ita utei s(upra) s(criptum) e(st) iourarit*
*nomen pers*criptum siet; quaestorque ea nomina accipito, et
eos, quei ex h(ace) l(ege) apud sed iurarint, facito in taboleis |
22 *popliceis perscribat.*— |
23 *Quei senator est eritve inve senatu sententi*am deixerit post
hance legem rogatam, eis in diebus X proxsumeis, quibus
24 quisqu*e eorum sciet* | *hance legem popolum plebemve iousisse,*
*i*ouranto apud quaestorem ad aerarium palam luci per
25 Iovem deosque Penate*is: sese quae ex h(ace) l(ege)* | *oportebit*
*facturum esse, neque se*se advorsum hance legem facturum
esse, neque seese, quominus sei . . . . . 20 . . . . . . |
26 | . . 32 . . se hoice leegei . . 30 . . anodni *io*uraver*int* . . 24 . . |
27 | . . . .— |
28 | . . . . . 70 . . . . . e quis magistratus p . . 24 . . |
29 | . . . .— |
30 | . . . . . 70 . . . . . *u*ti in taboleis popl*iceis* . . 24 . . |
31 | . . . . . 72 . . . . *tr*inum nondin*um* . . 28 . . |
32 | . . . . . . 74 . . . . is erit u u . . . . 30 . . |

LEX ACILIA REPETUNDARUM.

V. C. 631 VEL 632 = A. C. 123 VEL 122.

C. 198. P.M. XXIII–XXV. Bruns, p. 40 sq. cuius supplementa addidi. ‘Saeculo XVI° Romae xi fragmenta tabulae aheneae extabant cui ex antica parte levigata *lex repetundarum* fuerat inscripta e postica scabra *lex agraria*, illa satis eleganter accurateque exarata haec negligenter litterisque minoribus pressiusque scriptis.’ Ex his fragmentis duo perierunt, duo Vindobonae in bibl. imp. asservantur, septem Neapoli in mus. Borbonico. Partis ultimae repetitionem omisi.

1 *M'. Acilius Glabrio, . . f(ilius), tr(ibunus) pl(ebei), plebem*
ioure rogavit, plebesque ioure scivit, . . tribus . . principium fuit,
pro tribu . . preimus scivit . . . . 140.

*Quoi ceivi Romano sociumve no*minisve Latini exterarumve
nationum, quoive in arbitratu dicione potestate amicitiave
2 *populi Romani,* . . 65 | 215 . . *ab eo quei dic(tator), co(n)s(ul),*
pr(aetor), mag(ister) eq(uitum), cens(or), aid(ilis), tr(ibunus)
pl(ebei), q(uaestor), IIIvir cap(italis), IIIvir a(gris) d(andis)
*a(dsignandis), tribunus mi*l(itum) l(egionibus) IIII primis
aliqua earum fuerit, queive filius eorum quoius erit, (*queive*)
quoius(*ve*) pater senator siet, in annos singolos pequniae quod
3 siet amp*lius HS* . . . *n(ummum)* . . 102 | 215 . . *pro inperio*
prove potestate ipsei regive populove suo, parentive suo, queive
*in potestate manu mancipio suo parentisve sui siet fuerit quo*ive
ipse paren*s*ve suos filiusve suos heres siet, ablatum captum
coactum conciliatum aversumve siet: de ea re eius petitio
nominisque delatio esto, *pr(aetoris) quaestio esto, ioudicium*
ioudicatio leitisque aestumatio, queiquomque ioudicium ex h. l.
4 *erunt, eorum hace lege esto* . . 100 | 211 . . *Sei quis deicet,*
praetorem nomen ex h. l. ita non recepisse, utei delatum esset,
*neque ioudicium ex h. l. ita datu*m esse utei peteret: de ea
re eius petit*i*o nominisque delatio esto, pr(aetoris) quaestio
esto, ioudicium ioudicatio letisque aestumatio, quei quomque

5 ioudic*ium ex h. l. erunt, eorum haec lege esto* . . 102 | 62 . . s iv . . 140 . . *Deque ex h. l. ioudicatum erit et contra h. l. fecisse dicetur, postquam ea res ioudi*cata erit, aut quoius nomen praevaricationis caussa delatum erit, aut quoium nomen ex h. l. ex reis exemptum erit: seiquis eius nomen a*d praetorem denuo deferre volet, de ea re eius petitio nominisque delatio esto, quaestio eius pr(aetoris) esto; ioudicium ioudicatio lei-*
6 *tisque* . . 102 | 60 . . *aestumatio quei quomque ioudicium ex h. l. erunt, eorum h. l. esto. Sei quis ali*eno nomin*e* . . 134 . . *ex h. l. petere nomenve deferre volet, de ea re eius petitio nominisque delatio esto*, quaestio eius pr(aetoris) esto, ioudicium ioudicatio leitisque aestumatio, quei quomque ioudicium ex h. l. erunt, eorum h. l. esto. Is eum unde petet in ious ed*ucito ad pra(etorem), quoius ex h. l. in eum annum quaestio*
7 *erit, ante K. Sept. quae eo anno erunt* . . 102 | 59 . . *post K. Sept. quod nomen deferetur pr(aetor) recuperatores n. n. dato* deque eo homine de*re ceis hominibus* . . 127 . . *ioudicare iubeto. Qu*oius eorum ita nomen ex h. l. post K. *Se*pt., quae eo anno fuerint, delatum erit, quei eorum eo ioudicio condemnatus erit, quanti eius rei slis ae*stumata erit, tantam pequniam pri-*
8 *vato, quoius slis aestumata erat solvito* . . 102 | 69 . . *quaeque pequnia quoique soluta erit, ea pequni*a eius esto. Pr(aetor), quei ex h. l. q*uaeret, facito, quidquid* . . 114 . . *iudicatu*m erit, id utei privato solvatur, quei *eoru*m petet.—

De heisce, dum mag(istratum) aut inperium habebunt, ioudicium non fiet.—Dic(tator), cos., pr., mag. eq., *cens., aid., tr. pl., q., IIIvir cap., IIIvir. a. d. a., tr. mil. leg. IIII primis aliqua earum, dum mag(istratum) aut inperium*
9 *habebit, nei in ious educitor* . . 102 | 52 . . *Quei eorum* ex eo mag(istratu) inperiove abierit, quo min*us in ious educatur, e(ius) h. l. n(ihilum) r(ogato)* . . 111 . .—

De patroneis dandeis.—Quei ex h. l. pequniam petet nomenque detuler*it*, quoius eorum ex h. l. ante k. Sept. petitio erit, sei eis volet sibei patronos in eam rem darei,
10 pr(aetor), ad quem *nomen detulerit* . . 102 | 47 . . *patronos ceiveis Romanos ingenuos ei dato, dum* neiquem eorum det sciens d(olo) m(alo), quoiei is, q*uoius nomen delatum erit*, . . 110 . .

6, 4, 'ioudiciumve,' *aes.* 8, 2, '*condemnaverit* eius esto,' *Mommsen.*

*gener socer vitricus privignusve siet, queive eiei sobrinus siet pro*piusve eum ea cognatione at*t*igat, queive *ei*ei sodalis siet, queive in eodem conlegio siet, quoiave in fide is erit maioresve in maiorum fide fueri*nt*, *queive in fide eius erit, maioresve in*
11 *maiorum fide fuerint* . . 112 | 39 . . *queive* quaestion*e* ioudicio*q*ue puplico condemnatu*s siet, quocirca eum in senatum legei non liceat*, . . 108 . . *neive eum qu*ei ex h. l. ioudex in eam rem erit, neive eum que*i* *e*x h. l. patronus datus erit.—

De patrono repudiando.—Qui ex h. l. patronus datus erit, sei is mori*bus suspectus erit is*, *quoi ex h. l. datus erit*,
12 *eum repudiato* . . 102 | 38 . . *Tum quos ex h. l. patronos dare licet eo*rum pr(aetor), quei ex h. l. quaeret, alium patronum eiei quem *volet dato* . . 96 . .—

*De C D Lvireis in hunc an*num legundis.—Pr(aetor), quei inter peregrinos ious deicet, is in diebus X proxum(eis), quibus h. l. populus plebesve iouserit, facito utei CDLviros le*g*at, quei in hac ceivit*ate HS* $\overline{CCCC}$ *n*(*ummum*) *plurisve census*
13 siet . . 102 | 35 . . *dum nei quem eorum legat*, *quei tr. pl*., *q*., *IIIvir cap*., *tr. mil. l. IIII primis aliqua earum*, *IIIvi*rum a. d. a. siet fueritve, queive in senatu siet fuerit*v*e, queiv*e* *mercede conductus depugnavit* . . 104 . . *queive quaestione ioudiciove puplico conde*mnatus siet quod circa eum in senatum legei non liceat, queive minor annis XXX maiorve annos LX gnatus siet, queive in urbem Romam propiusve u*rbem Romam*
14 *p*(*assus*) *M domicilium non habeat*, . . 102 | 33 . . *queive eius mag*(*istratus*), *quei s*(*upra*) *s*(*criptus*) *e*(*st*), *pater frater filius ve siet*, *queive eius*, *quei in senatu siet fueritve, pater frater filiusve siet*, *queive trans mar*e erit.—

Quos legerit, eos patrem trib*u*m cognomenque i*n*dicet.—Q*uei ex h. l. in hunc annum quaeret* . . 100 . . *is die n. n. ex quo legerit*, *eorum*, *quei ex* h. l. CDLvireis in eum annum lectei erunt, ea nomina omnia in tabula, in albo, atramento scriptos, patrem tribum co*g*nomenque tributimque descriptos, hab*eto*, *eosque propositos suo magistratu*, *ubei de*
15 *plano recte legi possitur*, *habeto* . . 102 | 31 . . *Sei quis describere volet*, *pr*(*aetor*) *potestatem scribendi*, *quei volet*, *facito*. *Pr*(*aetor*), *quei legerit*, *eos quos e*x h. l. CDLviros legerit, facito

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10, ult. 'fuerit,' *aes*. 14, 5, 'tribunum,' 'ioudicet,' *aes*.

recitentur in contione, iuratoque: sese *eos ex h. l. legise, de
quibus sibei consultum sit* . . 100 . . *optumos in eam rem ioudices
futuros esse, quosque ipse optemos in eam rem* ioudices ex-
aestumaverit esse; eosque CDLviros, quos ex h. l. legerit,
is pr(aetor) omnis in taboleis puplicis scriptos in perpetuo
habeto.—

De CDLvireis quot annis *legundis.—Praetor, quei post*
16 *h. l. rogatam ex h. l. ioudex factus erit* . . 102 | 27 . . *is in
diebus X proxumeis, quibus quis*que eorum eum mag(istratum)
coiperit, facito utei CDLviros ita legat, quei ha*ce in civitate
HS* $\overline{\text{CCCC}}$ *n. plurisve census siet* . . 99 . . *d*um nequem eorum
legat, quei tr. pl., q., IIIvir cap., tr. mil. l. IIII primis aliqua
earum, IIIvir a. d. a. siet fueritve, queive in senatu siet
17 fueritve, queive merce*de conductus depugnarit* . . 112 | 26 . .
*queive quaestione ioudicioque puplico condemnatus siet quod
circa eum in senatum legei non liceat, queive minor annis XXX
maiorve a*nnos LX gnatus siet, queive in urbe Romae pro-
piusve urbem Roma*m p*(*assus*) *M domicilium non habeat* . .
99 . . *queive eius mag*(*istratus*), *quei s*(*upra*) *s*(*criptus*) *e*(*st*) *pater
frater filiusve siet*, queive eius quei in senatu siet fueritve
pater frater filiusve siet, queive trans mare erit.—

Quos legerit, eos patrem tribum cognomenque
i*n*dice*t*.—Quei ex h. l. in eu*m annum quaeret, is die n. n. ex
quo legerit, eorum, quei ex h. l. CDLvirei in eum annum lectei*
18 *erunt* (102 | 27) *ea nomina omnia in tabula, in albo, atramento
scriptos, pat*rem tribu*m* cognomenque tributimque discriptos,
habeto, eosque propositos suo ma*gistratu, ubei de plano recte
legei possitur, habeto* . . 85 . . *Sei quis describere volet, pr*(*ae-
tor*) *permittito, potestatem*que scribundi, quei volet, facito.
Pr(aetor) quei legerit, is eos, quos ex h. l. C*DL*viros legeri*t*,
facito in conctione recite*n*tur, iouratoque: sese eos ex h. l.
legise, de quibus sibei consu*ltum, siet* . . 122 . . *optumos in
eam rem ioudices exaestumaverit esse; eosque CDLviros, quos*
19 *ex h. l. legerit, is pr*(*aetor*) *omnes* (102 | 28) *in taboleis pu-
plicis scriptos in perpetuo habeto.*—

De nomine deferundo iudicibusque legundeis.—
Quei ex h. l. pequniam ab a*liquo eorum petet, de quibus ex
h. l. ioudicium fiet, is eum, unde petet, postquam CDLvirei, ex
h. l. in e*um annum lectei erunt, ad iudicem, in eum annum,

quei ex h. l. *factus* erit, in ious educito nomenque eius de-
ferto; sei deiuraverit calumniae causa non po*stulare*, *is praetor*
20 *nomen recipito facitoque*, *utei is*, *unde petatur* (102 | 28), *die*
n. n. ex eo die, *quo delatum e*rit de CDLvireis, quei in eum
annum ex h. l. lectei erunt, arvorsario edat eos om*nes*, . . 82
. . *quoi is queive ei*, *quoius nomen delatum erit*, *gener socer vi-*
*tricus pri*vignusve siet, queive ei sobrinus siet propiusve eum
ea cognat*ione* attingat, queive ei sodalis siet, queive in eodem
conlegio siet; facitoque coram arv*orsario*, *is quei ita ediderit*
iouret: se in CDLvireis, *quei in eum annum ex h. l. lectei*
21 *erunt*, *nullum reliquisse* (102 | 30) *nisei quei se earum aliqua*
necessitudine non attigeret, scientem d(olo) m(alo); itaque
is edito, *i*ouratoque. Ubei is ita ediderit, tum in ea*m*
rem, *quei editi erunt*, *ioudices nei sunto* . . 76 . . *Tum pr*(*aetor*)
ad quem is, *quei ex h. l. petet*, *nomen detole*rit, facito utei
is die vicensumo ex eo die, quo quoiusque quisque n*omen*
detolerit, C viros ex eis, quei ex h. l. CDLvirei in eum annum
22 lectei erunt, quei vivat, legat, e*datque* . . 102 | 32 . . *dum*
*nei quis ioud*ex siet, quoi is, queive ei, quei petet, gener socer
vitricus privignusve siet, queive ei sobrinus *siet propiusve eum*
ea cognatione attingat, *queive in eodem conlegio siet*, *queive* (72)
ei sodalis siet, queive tr. pl., q., IIIvir cap., IIIvir a. d. a.,
tribun*us* mil. l. IIII prim*is aliqu*a *e*arum siet fueritve, queive
in senatu siet fueritve, queive l. Rubr*ia IIIvir col*(*oniae*)
23 *ded*(*ucendae*) *creatus siet fueritve* . . 102 | 33 . . *queive ab urbe*
Roma plus n. n. passuum aberit, queive trans mare erit; neive
amplius de una fami*l*ia unum, neive eum, *legat edatve quei*
pecuniae captae condemnatus est erit, *aut quod cum eo lege Cal-*
*pu*rnia aut lege Iunia sacramento actum siet, aut quod h. l.
nomen *delatum sie*t. Quos is C viros ex h. l. ediderit, de eis
ita facito iouret palam apud se coram a*rvorsario nullum se*
edidisse scientem d(*olo*) *m*(*alo*), *quem ob earum causarum ali-*
24 *quam*, *quae s*(*upra*) *s*(*criptae*) *s*(*unt*) *inter C viros* (102 | 34)
edere non liceat, *queive se earum aliqua* necesitudine atingat,
quae supra scripta sient. *Is* unde petitum erit, quomi*nus*
. . 66 . . *Sei is quei petet*, *C* viros ediderit iuraritque, tum eis
pr(aetor) facito, utei is unde petetur die L*X postquam* eius

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22, 6, 'tribuni,' 'queive queive,' *aes.* 24, 3, 'Q' pro 'is,' *aes.*

nomen delatum erit, quos C is quei petet ex h. l. ediderit,
25 de eis iudices quos *volet L legat* . . 103 | 35 . . *Quei ex h. l.*
nomen detulerit, sei is quoius nomen ex h. l. delatum erit, L
iudices ex h. l. non legerit ediderit ve seive *ex CDLvireis, quei*
in eum annum ex h. l. lectei erunt quei se affinitate cognatione
sodalitate atingat, queive in eodem conlegio siet, ex h. l. non
ediderit, tum ei per eum pr(aetorem) advorsariumve mor*a* non
eri*t quo* minus legat edatve *quos volet L de eis C, quos ex h. l.*
26 *ediderit* . . 104 | 38 . . *dum nei quem eorum, quem ex h. l.*
*legere edereque non liceat, sciens d(olo) m(alo) ioudic*em legat.
Quei ita lectei erunt, eis in eam rem ioudices sunto eo-
rumque eius *rei ex h. l. ioudicatio lectisque aestumatio esto.*
— . . 66 . .

Iudicum patronorumque nomina utei scripta in
taboleis habeantur. — Pr(aetor), quei ex h. l. quaeret,
fac*ito eos L viros, qu*os is quei petet et unde petetur ex h.
l. legerint ed*iderint*, eosque pat*ronos, quos is quei petet ex*
27 *h. l. dederit* . . 106 | 42 . . *in taboleis pupliceis scriptos habeat.*
*Ea nomina eiei q*uei petiverit et unde petitum erit, quei eorum
volet, ex taboleis popli*ceis describendi is pr(aetor) potestatem*
facito . . 66 . . —

Eisdem ioudices unius rei in perpetuom sient. —
Quei iudices e*x h. l. lectei erunt*, quam in rem eis iudices
28 lectei erunt, e*ius rei ioudices in perpetuom sunto* . . 135 | 43 . .
*q*uei pequniam ex *h. l.* capiet, eum ob eam rem, quod pequniam
ex h. l. ceper*it* . . 62 . . *neive tribu mo*veto, neive equom adi-
mito, neive quid ei (*ob*) eam rem fraudei esto. —

*Nomina publice s*cripta sient. Pr(aetor) quei ex h. l.
29 . . 135 | 48 . . —

De iudicio in eum, quei mortuos **erit aut in ex-**
ilium abierit. Quoium nomen ex h. l. delatum eri*t, sei*
is prius mortuos erit . . 66 . . *aut in exil*ium abierit, quam ea
res *iu*dicata erit, pr(aetor,) ad quem eius nomen de*latum erit*
eam rem ab eis item quaerito, *quei ioudicium ex h. l. erunt*
30 *quasei sei is viveret inre ceivitate esset* . . 137 | 51 . . —

De inquisitione facienda. — Praetor postquam nomen
ex h. l. ad se delatum erit, facito, utei ioudicium p*erfi-*
ciatur . . 66 . . *eique, quei petet, diem dato, utei q*uod recte
factum esse volet, dum nei quid advorsus h. l. fiat, *ad*

31 *inquisitionem fac*iundam ; neive post h. *l. rogatam* . . 138 | 51 . . *iubetoque* conquaeri in terra Italia in oppedeis foreis conciliab*oleis, ubei ioure deicundo praesse solent, aut extra Italiam in oppedeis foreis con*ciliaboleis, ubei ioure deicundo praesse solent. In quibus di*ebus eum quei petet prae*tor quei ex h. l.
32 quaere*t conquaerere iouserit* . . 139 | 51 . .—

De testumonio deicendo.—*Pr*(*aetor*) *postquam* audierit quod eius rei quaerundai censeant refere et *causam probaverit, quibus is quei petet denuntiaverit eos homines d*(*um*) *t*(*axat*) *$\overline{IIL}$* (68) *testumonium deice*re iubeto et quom e*a* res agetur quam in rem quisque testis er*it, in eam rem facito eis* omnes adsient testimo*niumque deicant, dum nei quem testumonium deicere*
33 *iubeat, quei* . . 140 | 51 . . *quoia in fide is unde petetur siet, maioresve in maior*um eius fide *f*ueri*nt*, queive in fide eius siet maioresv*e in maiorum fide fuerint* (65) *queive eius, quoius ex h. l. nomen delatum erit* causam deicet dum taxat unum, queive eius parentisve eius *leibertus leiberta*ve siet.—
34 De inro*ganda multa*.— . . 144 | 51 . .—

De testibus tabulisque producendis.—*Is quei petet, sei quos ad testumonium deicendum evocari*t secumve duxerit dum taxat homines IIL earum re*rum causa, de quibus id ioudicium fiet* . . 61 . . *ea*, quai ita conquaesiverit et sei qua tabulas libros leiterasve pop*licas preivatasve produ*cere proferreque
35 *volet* . . 146 | 51 . . *quae*rive de ea re volet apud pr(aetorem), is praetor ei moram ne fa*cito, quominus testes producantur, tabulae proferantur, quove minus de ea re quae*rat (66).—

Praetor utei interroget.—Pr(aetor) quei ex h. l. q*uae*-
36 *ret* . . 178 | 51 . .—

Ioudices utei iourent.—*Pr*(*aetor*) *quei ex h. l. quaeret, quei in ea*m rem ioudices erunt, ante quam primum caussa d*icetur* . . 71 . . *apud se iourent facit*o. Iudices, quei in eam rem erunt, omnes pro rostreis in forum *vorsus iouranto* . .
37 178 | 51 . . *facturumque se, utei quod recte factum esse vo*let, utei testium, quei (*in*) eam rem erunt, verba audiat, . . 74 . . *neque facturum quo* eam rem minus ioudicet, nisei seiquae causa erit, quae eiei *ex h. l. quo eam rem minus ioudicet per-*
38 *mittet* . . 180 | 51 . . *Quei ita apud se iouarint eorum nomina*

33, 2, 'quaerat,' *aes* pro 'fuerint.'

is praetor facito in contione recitentur, proscripta propositaque
palam apud for*um habeto*, . . 76 . . *neque rem agito antequam*
omnes iourarint quei ex eis C ioudicis L lectei erunt.—

39 **Ioudex nei quis disputet.**—. . 178 | 51 . .—

De re proferenda.—Sei causam sibi esse deicet, quominus
ad id iudicium adesse possit, de ea re praetori, quei ex hac*e*
l(ege) quaeret cognoscere . . 85 . . *rem proferre liceto.*—

*De nomine referen*do.—Quam rem pr(aetor) ex h. l.
40 egerit, sei eam rem proferet, quoi*us* . . 177 | 51 . . *sei refer*re
poterit facito quoius deicet nomen referre . . 91 . . rit utei *is*
ad sese veniat aut adferatur coram eo, quei postulaver*it* . .
41 176 | 51 . . *v*olet, quoius ex h. l. *n*ominis delatio erit, ei eius
rei pe*titio esto* . . 102 . . *de*que ea re hace lege iudicium litisque
42 aestumatio essto, quasei sei eius . . 175 | 51 . . *Sei ioudex, q*uei
eam rem quaeret, ex h. l. causam non nover*it* . . 113 . . *is*
praetor coram *iudici*bus in contione pro rostris sententia ita
43 pronontiato: 'fe*cisse videri*' . . 173 | 51 . . *Sei de ea re* iudi-
cium fieri oportebit, ter*tio die facito iudicium fiat* . . 112 . .
*Sei ioudex, quei eam r*em quaeret, ex h. l. causam non noverit,
44 pr(aetor) quei ex h. l. q*uaeret* . . 170 | 51 . .—

Ioudices utei iourent, in consilium antequam eant.—
Pr(aetor), quei ex h. l. quaeret, ioudices quei ex h. l. in eam
*rem erunt, in consilium an*te quam ibunt*o*, facit iurent: 'sese
. . 128 . . *neque facturum q*uo quis suae alterius(ve) sententiae
45 certior siet, quod p*er* . . 170 | 51 . . *aestum*aturum esse'.—

Iudice*s* multam suprema(*m*) de*b*ea*nt*.— . . 128 . . *sei*
*ioudex, quei eam rem qu*aeret causam non noverit, quei eorum
46 ioudex . .170 | 51 . . *excu*satione primo quoque die deferatur,
isque quaestor . . 126 . .—

*Iudices in co*nsilium quomodo eant.—Pr(aeto)r, quei
47 ex h. l. iu*dicium exercebit* . . 170 | 51 . . *nondum pl*uri*mis*
*liqu*ere deixerit, praetor, *quei* ex h. l. quaeret, ita pronon*tiato*
'*amplius*' . . 120 . . *Ubei duae partes iudicu*m quei quomque
48 aderunt, iudicare *negaverint* . . *amplius* . . 170 | 52 . . *quei*
*negaverit iu*dicare is HS n. ccIↄↄ, quotiens quomque amplius
bis in uno iu*dicio negaverit iudicare* . . 119 . . *que*m quam ob
49 rem et quantum pequ*niae* . . 170 | 45 . .—

De reis quo modo iudicetur.—Ubi duae partes iudi-
cum, quei ader*unt, causam sibi liquere deixerint* . . 111 . .

pr(aetor), quei de ea re quaeret, utei eis iudices, quei iudicare
50 negarint, semovant*ur*, *facito* . . 170 | 45 . . rem agito. Tum praetor quom soueis viatoribus apparitoribusque nei de i*udicio index discedat facito* . . 108 . . *sitellamque latam digitos n. n. altam digitos* $\overline{\text{XX}}$, quo ioudices sorticolas conieciant *apponi*
51 *facito* . . 170 | 37 . . *quoius*que iudicis is praetor sorticolam unam buxeam longam digitos IIII, la*tam digitos n. n. ab utraque parte ceratam* . . 108 . . *in qua sorticola ex altera parti litera A perscripta siet, ex alte*ra parti C, in manu palam dato,
52 a*b eoque iudice alteram, utram is volet, induci iubeto* . . 170 | 32 . . *Iudex sortem accipito alteram literam inducito, alteram servato* eamque sortem ex hac lege apertam bracioque aperto lit*t*eram digiteis opertam pala*m ad eam sitellam deferto* . . 106 . . *sortem populo ostendito i*temque in eos ceteros sin*g*ilatim iu*dices versus*
53 *ostendito, itaque eam sortem in eam sitellam coniecito* . . 170 | 26 . . —

Sententia quomodo pronontietur.—*Quei iudex prononitiationis faci*undai causa ad sitellam sorti veniet, is in eam sitellam manum demitito, *e*t eam devexam popul*o ostendito* . . 50 . . *i*udicium . . 50 . . *quamque in eum r*eum sententiam *ea*
54 *sors hab*uerit, is ei . . 172 | 23 . . *palam prononitiato, ubei A littera scripta erit* '*absolvo*,' *ubei C littera scripta erit* '*con*demno,' ubei nihil scriptum erit, 'seine sufragio.' Ex qua sorti prononitiarit, eam sortem proxsumo iud*ici* . . 29 . . *in man*um transdito.—

55 De n*umerandis sententiis*.— . . 255 | 21 . .—

De reo apsolvendo.—*Sei eae sententiae ibei plurumae aequove numero erunt* '*absolvo*,' *praetor, quei ex h. l. quaeret, pronuntiato:* '*non fecisse videri*.' *De quo reo pr(aetor) ita pronuntiaverit, quod postea non fecerit, q*uod praevaricationis causa factum non erit, is ex hace lege eius rei apsolutus esto.—

De reo condemnan*do*.—*Sei eae sententia*e ibei plurumae erunt 'Condemno,' pr(aetor), qu*ei ex h. l. quaeret, pronoun*-
56 *tiato;* '*fecisse videri*' . . 252 | 13 . . —

De iudicio iterando.—*Quei ex h. l. condemnatus* aut apsolutus erit, quom eo h. l. nisei quod post ea fecerit, aut nisei quod praevaricationis caussa factum erit, au*t nisi de*

litibus aestumandis, aut nisei de sanctioni hoiusce legis, actio
57 nei es*to* . . 250 | 11 . . —

De praedibus dandis. — *Iudex, quei eam rem quaesierit,*
*earum re*rum, quei ex h. l. condemnatus erit, q(uaestori)
praedes facito det de consili maioris partis sententia ; quanti
eis censuer*int ; sei ita p*raedes datei non erunt, bona eius
facito puplice possideantur conq*uaerantur veneant. Quanta*
pequnia ea bona venierint, tantam pequniam ab emptore iudex,
58 *quei eam rem quaesierit, exigito* . . 248 | 9 . . *quaestorique* scrip-
tum transdito ; quaestor accipito et in taboleis popliceis
scriptum habeto.—

De leitibus aestumandeis.—*Quei ex* hac*e* lege con-
demnatus erit, ab eo quod quisque petet, quoius ex hace
lege peti*tio erit, praetor, quei eam rem quaesierit, per eos iudices,*
59 *quei eam rem ioudicaverint, leites aestumari iubeto* . . 244 | 8 . .
quod ante h. l. rogatam consilio probabitur captum coactum ab-
latum avorsum conciliatumve esse, ea*s* res omnis simpli,
ceteras res omnis, quo*d* post hance legem rogatam co*nsilio*
*probabit*ur captum coactum ablatum avorsum conciliatumve
esse, dupli; idque ad qua*estorem, quoi aerarium provincia*
obvenerit, quantum siet quoiusque nomine ea lis aestumata, facito
deferatur.—

Pequnia utei ex aerario solvatur.—Quei iudici, quei
60 *eam rem quaesiverit, consilioque eius maiorei parti* . . 242 | 8 . .
*satisfecerit, nomine su*o parentisve suei, quoive ipse parensve
suos heres siet, leitem aestumatam esse ; queive eiei iudicei
consilioque eius maiorei pa*rti eorum sa*tis fecerit, regis populeive
ceivisve suei nomine litem aestumatam esse sibei : q*uanta ea*
61 *pequnia erit, is iudex facito* . . 240 | 8 . . *tanta pequnia ex* hace
lege in aerario posita erit ob eam rem, quod eo nomine lis
aestumata erit, in triduo proxsumo, quo ita satis *factum erit*
ex hace lege solvatur ; neive quis iudex neive quaestor facito
sciens dolo m*alo, quo minus ita satis fiat, itaque solvatur* . .
62 238 | 8 . .—

De tributo faciundo.—Quanti iudex, quei eam rem quae-
*sierit, leites aestumaverit, sei is iud*ex ex hace lege pequniam
omnem ad quaestorem redigere non potuerit, tum in diebus
X proxsumeis, quibus *quae potue*rit redacta erit, iudex quei
eam rem quaesierit, queive iudex ex hace lege fac*tus erit,*

quae pequnia redigi potuerit, eam pequniam inter eos, quorum leites aestumatae erunt, pro portione tributum iri praedeicito . .
63 236 | 8 . . *tempus edito, quo is, quoius lites* aestumatae erunt, quoiusr*e* regis populeive nomine lis aestumata erit, legati adessint, dum nei longius C dies edat.—

*De tempore stat*uto servando.—Ubei ea dies venerit, quo die iusei erunt adesse, iudex, quei e*am rem quaesierit, quanta pequnia de eius, quei ex h. l. condemnatus est, bonis redacta erit, tantam pequniam in eas lites, quae aestumatae*
64 *erunt, pro portione tribuito* . . 235 | 8 . . *Queique ei iudici consilioque eius maiori parti eam litem aestumatam esse sibei satis* fecerit, ei primo quoque die quaestorem solvere iubeto, quaestorque eam pequniam eis sed frude sua solvito.—

Quei aberit eius portio in aerario siet.—Quod eorum nomine, quei non aderit tributus factus *erit, quaestor in aerario*
65 *servato* . . 227 | 8 . . —

De tributo proscribendo.—Quei praetor ex hace lege tribuendei causa prodeixerit, is, utei quod recte factum esse volet, facito, quomodo prode*ixerit, ea omnia m*aiore parte diei ad eam diem, donec solutum erit, apud forum palam, ubei de plano r*ecte legi possitur, proscripta propositaque habeat prae-*
66 *tor, quei eum tributum* (200) | fecerit die*s* . . *prox*umos, ex ea die, qua tributus factus erit, apud forum palam, ubei de plano recte legi possitur, proscri*ptum habeto.*—

Reliqua pequnia post quinquenium populei fiet.—Quae pequnia ex hace lege in aerarium posita erit, quod in anneis qu*inque proxumeis ex ea die, qua tributus factu*s *erit, eius pequniae quaestor ex h. l. non solverit populei esto.*—

De pequnia a praedibus exigenda.—Quei ex h. l. praedes datei erunt, quaestor, quoi aerarium provincia obvenerit, queique
67 *deinceps* (201) | eandem provin*ci*am habebit, eis faciunto, utei quod recte factum esse volet, quod eius is reus non solverit, ab eis pr*aedibus primo quo*que die pequnia exigatur.—

Pequnia in fiscis opsignetur.—Quaequomque pequnia ex hace lege ad q*uaestorem redacta erit, is quaestor ea pequnia facito in fiscis siet, signoque puplico opsignetur, et in quoque*
68 *fisco scriptum habeto* (201) | quis praetor litis aestumaverit et unde ea pequnia redacta siet quantumque in eo fisco siet. Quaestor, queiquom*que erit, utei quod* recte factum esse volet,

facito in diebus V proxumeis, quibusquomque eiei aerarium
provincia obvenerit. *fisci resignentur, et sei ea pequnia, quam
in eo fisco esse inscriptum erit, ibei inventa erit, denuo opsig-
nentur* . .—

69 *Quaestor utei solvat.—Quoi* | (200) pequniam ex hace
lege, quod sine malo pequlat*u* fiat, pr(aetor), quei ex hace
lege quaeret, darei solvi iuserit, id quaestor *quei aerarium
pro*vinciam optinebit, sed fraude sua extra ordinem dato
solvitoque.—

Quaestor moram nei facito.—Q*uaestor* . .—

70 *Iudicium nei quis inpediat.—Quod* | (200) ex hace lege
*iu*dic*i*um fieri oportebit, quom ex hace lege fieri oportebit,
nei quis magistratus prove magistratu prove *quo inperio
potestatere erit facito, quo* minus setiusve fiat iudiceturve;
neive quis eum, quei ex hace lege iudicium exercebit, neive
eum, que*i iudex ex h. l. erit, neive eum, quei ex h. l. petet*
71 *neive eum unde petetur, ab eo iudicio avocato neive* (200) | avo-
carier iubeto, neive abducito, neive abducier iubeto, neive
facito quo quis eorum minus ad id iudicium adesse poss*it,
quove quoi eorum minus in eo iudici*o verba audeire in con-
silium eire iudicare liceat; neive iudicium dimitere iubeto,
nisei quom senatu*s ioure vocabitur . . aut nisei quom* (200) |
72 tribus intro vocabuntur, extra quam sei quid in saturam
feretur.—

(79) (*Iudex deinceps faciat pr*)*incipe defuncto.*—Sei is
praetor quei ex hace lege quaeret sei*ve is quaestor quoi aera-
rium* (*vel urbana provinc*)ia obvenerit (*eo magistratu*) iudiciove
inperiove abierit, abdicaverit, mortuosve erit ante quam ea
omnia ioudica*ta soluta factave erunt, quae eum praetorem eumve
quaestorem ex h. l. iudicari iubere solvere facere oporteat, quei-
quomque deinceps praetor ex h. l. quaeret, queive quaestor aera-*
(80) *rium vel urbanam* | (*provinciam habebit, is, utei quod recte fac-*
73 *tum*) (200) | esse volet, facito, utei ea omnia, quod ex h. l.
factum non erit, faciant, fiantque quae ex hace lege fieri
oporteret, sei (*apud eum*), *quei deinceps erit* (*ea res acta esset,
deque ea re eiei*) praetori quaestorique omnium rerum, quod

72, Rubrica et verba v. 3, 'eo magistratu per vitium omissa, ex dittographia supplentur. Alia quaedam deperdita, quae inde repetuntur, uncis inclusa sunt.

ex hace lege factum non erit, siremps lex esto, qua*sei sei apud*
eum ea res acta esset . .—
(81) *De rebus ante iudicatis factisve.—Queibus quom* | *iou-*
74 *d(icium)* (200) | fuit fueritve ex lege, quam L. Calpurnius, L.
f(ilius) tr(ibunus) pl(ebei) rogavit, exve lege, quam M. Iunius,
D(ecimi) f(ilius), tr. pl. rogavit, quei eorum eo *ioudicio ex*
earum aliqua lege condem(natus est eritve, quo) magis de ea
re eius nomen hace lege de*fe*ratur quove magis de ea re
quom *eo h. l. actio siet, eius h. l. nihilum rogato. Queique*
(82) *contra h. l. fecisse dicentur, nisei lex* | *rogata eri(t ante quam*
75 *ea res) facta* | erit, quom eis hace lege actio nei esto.—
De praevaricatione.—Praetor, quei ex hace lege quaeret,
qua de re ei prae*tori eisque iudicibus, quei ex h. l. ad ea(m*
rem (50) *io)*udicandam adfuerint, quei vivent, eorum maiorei
parti satis factum erit, nomen, quod ex *h. l. quis detolerit,*
76 *praevaricationis causa eum detulisse* . . 201— |
(83) De ceivitate danda.—Sei quis eor*u*m, quei ceivis Ro-
manus non erit, ex hace lege alterei nomen . . 78 . . *ad prae-*
*tor*em, quoius ex hace lege quaestio erit, detolerit, et *is* eo
iudicio hace lege condemnatus erit, tu*m eis quei eius nomen*
detolerit, quoius eorum opera maxime eum condemnatum esse
(84) *constiterit,* | *sei volet ipse filieique, quei eiei gnatei erunt, quom* . .
77 201 | ceivis Romanus ex hace lege fiet, nepotesque *tu*m eiei
filio gnateis, ceiveis Romanei iustei sunto, *et in quam tribum,*
quoius is nomen ex h. l. detolerit, sufragium tulerit, in eam
tribum (82) *sufragiu*m ferunto inque ea*m* tribum censento,
militiaeque eis vocatio esto, aera stipendiaque o*(mnia) eis*
(merita sunto. Nei qui magistratus pr)ove magistratu . . 201 . .
78 *eius h. l.* | nihilum rogato.—
De provocation*e immunitat*eque danda. — Sei quis
(85) eorum, quei *nominis Latini sunt* . . | 83 . . *quei eorum in sua*
*quisque civitate dicta*tor praetor aedilisve non fuerint, ad
praetorem, quoius ex hace lege quaestio erit, *ex h. l. alterei*
nomen detolerit, et is eo iudicio h. l. condem(natus erit, tum
quei eiu)s nomen (detolerit, quoius eorum opera ma)xime eum
79 *condemnatum esse constiterit* . . 201 | eius militiae munerisque
poplici in su*a quoiusque ceivi*tate—

74, 5, 'deiuraturum quove magistratus.' 75, 5, 'partis.'
76, 4, 'eo eo,' *aes.* Quinque haec vitia in dittographia emendata sunt.

86 | 156 . . *quoi* petetur, de ea re eius *optio esto*, utrum velit vel
87 in sua ceivitat*e* . . 215 | 156 . . *ha*bere liceto.—
*Sei quis cei*vis Romanus ex hace lege alt*erei nomen de-*
tolerit . . 216 . . . . |
88 | 156 . .—Quoi ex h*ace lege provo*catio erit esseve oportebit . .
227 . . . . |
89 | 190 . . *praetor*, *quei inter pe*regrinos ious *deicet* . . . 233 |
90 | 191 . . . . *ceivit*atei q . . . . 235 |

SENTENTIA Q. M. MINUCIORUM, v. c. 637.

C. 199. P.M. xx. Vide adnotata.

LEX AGRARIA, v. c. 643 = a. c. 111.

C. 200. P.M. xxvi–xxviii. Bruns, p. 54 sq. Lex in aversa parte tabulae legis Repetundarum scripta est, q. v. Tertia esse creditur legum ab Appiano (*bell. civ.* 1, 27) memoratarum, quae ad subvertendas leges Gracchanas latae fuerint. Auctoris nomen ignoratur.

1 | . . 82 . . *tr*(*ibunus*) *pl*(*ebei*) *ioure rogavit plebesque ioure scivit*, . . *tribus* . . *princi*pium fuit ; pro tribu Q. Fabius, Q(uinti) f(ilius) primus scivit.

Quei ager poplicus populi Romanei in terram Italiam P. Muucio L. Calpur*nio cos. fuit*, *extra eum agrum*, *quei ager ex lege plebeive sc*(*ito*), *quod C. Sempronius*, *Ti*(*berii*) *f*(*ilius*), *tr*(*ibunus*) *pl*(*ebei*) *rogavit*, *exceptum cavitumve est nei divide-*
2 *retur* . . 150 | 82 . . *quem quisque de eo agro ex lege plebeive sc*(*ito*) *vetus possessor sibei* agrum locum sumpsit reliquitve, quod non modus maior siet, quam quantum unum hominem ex lege plebeive sc(ito) sibei sumer*e relinquereve licuit*;—

quei ager publicus populi Romanei in terra Italia P. Muucio L. Calpurnio cos. fuit, *extra eum agrum*, *quei ager ex lege*

plebeive sc(ito), quod C. Sempronius, Ti. f., tr. pl. rogavit, ex-
3 *ceptum cavitumve est nei divideretur* . . 150 | 108 . . *quem agrum locum* quoieique de eo agro loco ex lege plebeive sc(ito) IIIvir sortito ceivi Romano dedit adsignavit, quod non in eo agro
4 loco est, quod ultr*a* . . 215 | 102 . .—

*quei ager publicus populi Romanei in terra Italia P. Muucio L. Calpurnio cos. fuit, extra eum agrum, quei ager ex lege plebeive sc(ito), quod C. Sempronius, Ti. f., tr. pl. rogavit, exceptum cavitumve est nei divideretur, de eo agro loco quei ager locus ei, quei agrum privatum in publicum commutavit, pro eo agro loco a IIIviro datus commutatus re*dditus est;—

quei ager publicus populi Romanei in terra Italia P. M*u*ucio L. Calpurnio cos. fuit, extra eum agrum, quei ager ex lege *pleibeive sc(ito), quod C. Sempronius, Ti. f., tr. pl.*
5 *rogavit, exceptum cavitumve est nei divideretur* . . 214 | 102 . . *quod eius quisq*ue agri locei publicei in terra Italia, quod eius extra urbem Roma*m* est, quod eius in urb*e* oppido vico est,
6 quod eius IIIvir dedit adsignavit, quod . . 211 | 102 . . *tum cum haec lex rogabitur, habebit possidebitve;*—

quei ager publicus populi Romanei in terra Italia P. Muucio L. Calpurnio cos. fuit, extra eum agrum, quei ager ex lege plebive scito, quod C. Sempronius, Ti. f., tr. pl., rog(avit), exceptum cavitumve est, nei divideretur, quod quoieique de eo
7 agro loco agri locei aedific*iei* . . 140 . . *q*uibu*s* . . 68 | 102 . . *i*n terra Italia IIIvir dedit adsignavit reliquit, inve formas tabulasve retulit referive iusit :—

ager locus aedificium omnis quei supra scriptu*s est* . . 134 . . *extra eum agrum locum de quo supra except*um cavitu*mve est,*
8 *privatus esto* . . 66 | 102 . . *eiusque locei agri aedificii emptio venditi*o ita, utei ceterorum locorum agrorum aedificiorum privatorum est, esto ; censorque queiquomque erit facito, utei is ager locus aedificium, quei e*x hace lege privatus factus est, ita, utei ceteri agri loca aedificia in censum referatur* . . 167 . . *deque eo agro loco aed*ificio eum, quoium *is ager locus aedificium*
9 *erit* . . 65 | 102 . . est; neive quis facito, quo, quoius eum agrum locum aedificium possesionem ex lege plebeive scit*o ess*e oportet oportebitve, eum agrum l*ocum aedificium possesionem is minus utatur fruatur habeat possideatque* . . 124 . . *n*eive
10 quis de ea re ad sen*atum referto* . . 63 | 102 . . *neive pro*

magistratu imperiove sententia(*m*) deicito neive ferto, quo quis
eorum, quoium eum agrum locum aedificium posses*io*nem ex
lege plebeive scito esse oport*et oportebitve* . . 121 . . *eum*
agrum locum aedificium possesionem minus oetatur fruatur habeat
*posside*atque possesio invito mor*tuove eo heredibus eius inciteis*
auferatur.—

Quei ager publicus populi Romani in terra Italia P. Muu-
11 *cio L. Calpurnio cos. fuit* . . 60 | 102 . . *quod eius IIIvirei*
*a(gris) d(andis) a(dsignandis) viasiei*s vicaneis, quei in terra
Italia sunt, dederunt adsignaverunt reliquerunt: neiquis fa-
cito, quomi*n*us ei oetantur fruantur habeant po*ssideantque*,
quod eius possesor . . 120 . . *agrum locum aedifici*um non aba-
12 lienaverit, extra eu*m* a*grum* . . 58 | 102 . . *extra*que eum agrum,
quem ex h. l. venire dari reddive oportebit.—

Quei ager locus aedificium ei, quem in *v*iasieis vicanisve ex
s(enatus) c(onsulto) esse oportet oportebitve, *ita datus ad-*
signatus relictusve est eritve . . 118 . . *quo magis is ag*er locus
aedificium privatus siet, quove mag*is censor*, *queiquomque erit*,
13 *eum agrum locum in censum referat* . . 53 | 102 . . *quove magis*
*de eo agro loco aliter, atque u*tei est, siet ex h. l. n(ihilum)
r(ogato).—

Quei ager locus publicus populi Romanei in terra Italia
P. Muucio L. Calpurnio cos. fuit, extra eum agrum, quei
ager ex lege plebeive *scito*, *quod C. Sempronius trib. pl. rogavit*,
exceptum cavitumque est nei divideretur . . 110 . . *e*xtraque eum
agrum, quem vetus possesor ex lege plebeive *scito sibei sumpsit*
reliquitve, *quod non modus maior siet*, *quam quantum unum*
hominem ex lege sibei sumere relinquereve licuit, *sei quis* . . 45 |
14 102 . . *agri colendi cau*sa in eum agrum agri iugra non amplius
XXX possidebit habebitve: *i*s ager privatus esto.—

Quei in agrum compascuom pequdes maiores non plus X
pascet, quae*que ex eis minus annum gnatae erunt posteaquam*
gnatae erunt . . 106 . . *queique ibei pequdes minores non plus*
n. n. pascet, quaeque ex eis minus annum gnatae erunt post-
15 eaqua*m gnatae erunt: is pro iis pequdibus* . . 44 | 102 . . *po-*
pulo aut publicano pequniam scripturam vectigalve dare nei
debeto, *neive de ea re satis* dato neive solvito.—

Ager publicus populi Romanei, quei in Italia P. Mucio
L. Calpurnio cos. fuit, eius agri IIIvir a. d. a. ex lege

plebeive scito sortito quoi ceivi Roma*no agrum dedit adsigna-*
vit . . 104 . . *quod eius agri neque is abalie*navit abalienaveritve,
16 neque heres eius abalienavit abalienav*eritve* . . 41 | 102 . .
quei eorum de ea re ante eidus Martias primas, in ious adierit
ad eum, quem ex h. l. de eo agro ius deicere oportebit, is de ea
*re ita ius deicito d*ecernitoque, utei possesionem secund*um* eum
heredemve eius det, quoi sorti is ager datus adsignatusve
fuerit, quod eius agri non abalienatum erit ita utei s(upra)
s(criptum) est.—

. . 100 . . *quod eius agri IIIvir a. d. a. veteri possesori prove*
*ve*tere possesionem dedit adsignavit reddidit, quodque eius
agri IIIvir *a. d. a. in urbe oppido vico dedit adsignavit* . . 39 |
17 102 . . *quod eius agri neque is abalienavit abalienaveritve, neque*
*heres eius, quoive ab eo hereditate testamento deditioneve obveni*t,
queive ab eorum qu*o* emit: quei eorum de ea re ante eidus
Martias primas in ious adierit ad eum, quem ex h. l. de eo
agro ius deicere oportebit, is de ea re ita ius deicito d*ecerni-*
toque, utei possesionem secundum eum heredemve eius det . . 100 . .
quoi is ager vetere prove vetere possesore datus adsignatusve
18 (*redditusve fuerit*), queive a. . . 36 | 102 . .—

*Sei quis eorum, quorum age*r s(upra) s(criptus) est, ex pos-
sesione vi eiectus est, quod eius is quei eiectus est possederit,
quod neque vi neque clam neque precario possederit ab eo,
quei eum ea possesione vi eiec*erit; quem ex h. l. de ea re ious*
deicere oportebit, sei is quei ita eiectus est, ad eum de ea re in
ious adierit ante eidus (100) *Mar*tias, quae post h. l. rog.
primae erunt, facito, utei is, quei ita vi eiectus e*rit, in eam*
19 *possesionem unde vi eiectus fuerit, restituatur.*—. . 34 | 102 . .

Quei ager locus publicus populi Romani in terra Italia P.
*Mucio L. Calpurnio cos. fuit, quod eius ex lege plebeive sci*to
exve h. l. privatum factum est eritve, pro eo agro loco aedi-
ficio proque scriptura pecoris, quod in eo agro pascitur, post-
quam vectigalia constiterint, quae post h. l. *rogatam primum*
constiterint: nei quis mag(*istratus*) *prove mag*(*istratu*) *facito,*
(99) *quo quis populo aut p*ublicano pequnia*m* scripturam vect*i*-
20 galve det dareve debeat, neive quis . . 33 | 102 . . quove quid

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16, 4, 'secundo' *aes.* 17, 3, 'quei' pro 'quo' *aes.*
17, ult. 'redditusve fuerit,' addit *Mommsen.*

ob eam rem populo aut publicano detur exsigaturve, neive
quis quid, postea, quam *vec*tigalia consistent, quae post h. l.
rog. primum constiterint, ob eos ag*ros locos aedificia populo
aut publicano dare debeat*. |85 *neive scripturam pecoris, quod
in eis ag*reis pascetur, populo aut publicano dare debeat.—

Ager locus publicus popul*i Romani, quei in terra Italia*
21 *P. Mucio L. Calpurnio cos. fuit* . . 32 | 102 . . *extra eum
agrum, quem agrum L. Caecilius Cn. Domitius cens(ores*) a(nte)
d(iem) X*I*. k(alendas) Octobris oina quom agro, quei trans
Curione est, locaverunt, quei in eo agro loco *civis* Romanus
sociumve nominisve latini, quibus ex formula togatorum
milites in terra Italia inperare solent, . . 82 . . *agrum lo*cum
publicum populi Romanei de sua possesione vetus possesor
prove vetere possesor*e dedit, quo in agro loco oppidum coloniave
ex lege plebeivescito constitueretur deduceretur conlocaretur*, . .
22 33 | 102 . . *quo in agro loco IIIvir i*d oppidum coloniamve ex
lege plebeive sc(ito) constituit deduxitve conlocavitve ; quem
agrum *locum*ve pro eo agro loc*o*ve de eo agro loco, quei pub-
licus populi Roman*ei in terra Italia P. Mucio L. Calpurnio
cos. fuit* . . 82 . . *extra eum a*grum locum, quei ager locus
ex lege plebeive s(cito), quod C. Sempronius), Ti. f., tr. pl.
23 rog(avit) exscep*tum caritumve est nei divideretur*, . . 34 | 102 . .
*IIIvir dedit reddidit adsignavit, eius quoi is ager datus ad-
signatus erit*, quoive ab eo heredive eius is ager locus testa-
mento hereditati deditionive obvenit obveneritv*e queive ab eo
emit e*meritve, queive ab emptore eius emit emeritve, is ager
privatus esto.—

Quei *ager publicus populi Romani fuit, quem IIIvir de eo agro
loco pro eo agro loco*, (76) *quo* coloniam deduxsit ita utei
s(upra) s(criptum) est, agrum locum aedificium dedit reddidit
24 adsignavit, quei *pr*(*aetor*) *consolve de eo agro loco aedificio* (33 |
102) *ex h. l. ious deicet, quo de ea re ante eidus Martias primus
in ious aditum erit, is de ea re ita ious deicito decernitoque, utei
possesionem secundum eum h*eredemve eius det, quoi IIIvir
eum agrum locum pro eo agro loco, quo coloniam deduxit,
dedit *reddidi*t adsignavitve, facitoque is pr(aetor) consolve,
quo de ea re in ious aditu*m* erit, *utei* . . 73 . .—

*Ager locus quei sup*ra scriptus est, quod eius agrei locei
post *h*. l. rog. publicum populei Romanei erit, extra eum

ag*rum locum, quei publico usui destinatus est vel publice locatus*
25 *est, in eo agro quei volet pascito* . . 34 | 102 . . neive is ager compascuos esto, neive quis in eo agro agrum oqupatum habeto neive defendito, quo mi*nus quei v*elit compascere liceat. Seiquis faxsit, quotiens faxit, in agri iugra singula L *HS n*(*ummos*) . . 67 . . *dar*e debeto ei, queiquomque id publicum fruendum redemptum conductumve habebit.—

26 Boves, equ*os*, *mulos*, *asinos* . . 36 | 102 . . *in eo agro loco, quei post h. l. rog. publicus populei Romanei erit*, *pascere ad eum numerum pecudum*, *quei* numerus pecudum in h. l. scriptus est, liceto, neive quid quoi ob eam rem vectigal neive sc*rip-turam dare de*beto.—

Quod quisque pecudes in calleis viasve publicas itineris causa indu*xerit* . . 66 . . *pro eo pecore*, *quod eius in calli*bus viei*sve* publiceis pastum inpulsum itineris causa erit, nei-
27 quid populo *n*eive publicano d*are debeto*.— . . 38 | 103 . .

Quei ager publicus populi Rom. in terra Italia P. Mucio L. Calpurnio cos. fuit, de eo agro loco quem agrum locum populus ex publico in privatum commutavit, quo pro agro loco ex privato in publicum tantum modum agri locei commutav*it: is ager locus do*mneis privatus ita, utei quoi optuma lege privatus est, esto.—

Quei ager ex priva*to in publicum commutatus est*, (66) *quo pro agro tantus modus agri publici ex p*ublico imprivatum commutatus est: de eo agro siremps lex esto, quansei is ager P. Mucio L. C*alpurnio cos. publicus fuisset. Quei ager pro*
28 *agro patrito ex publico in privatum commutatus est*, . . 39 | 104 . . *pr*(*aetor*) *consolve quanti agri patriti publicani publicum L. Caecilio Cn. Dom*itio cens(oribus) redemptum habe*nt*, censoribus queiquomque post hac facteis erunt, ei faciu*nto id publicum*, (14) *sei* volent, tantidem pro patrito redemptum habeant p(ro) p(atrito) supsignent.—

IIvirum, qu*ei* . . 66 . . *quae viae publicae p*er terram Italiam P. Mucio L. Calpurnio cos. *f*uerint, eas *f*aciunto pateant
29 vacuaeque sien*t*, . . 40 | 100 . .

Quod quoieique ex h. l. ita utei s(upra) s(criptum) est, in agreis, qu*ei in Ita*lia sunt, quei P. Mucio L. Calpurnio cos.

28, 5, 6, 'p(ro) p(atrito),' *Rudorff, Mommsen;* 'p(ro) p(raede),' *Huschke.*

publiceis populi R*omanei fuerunt, ceivi* Romano facere licebit, item Latino peregrinoque, quibus M. Livio L. Calpurnio *cos. in eis agreis id facere . . 66 . . ex lege pleb*eive sc(ito) exve *f*oedere licuit, sed *f*raude sua *f*acere liceto.—

Quod ex h. l. ita utei s(upra) s(criptum) est, in agreis, quei *s(upra) s(cripti) sunt, Latinum peregrinumve facere vel*
30 *non facere oportebit* . . 41 | 106 . . *sei eorum* quis, quo*d eum ex h. l. f*acere oportuerit, non fecerit, quodve quis eorum, *h. l. prohibitus erit, fecerit mag(istratus)* prove mag(istratu), quo de *e*a re in ious aditum erit, quod ex h. l. petetur, item iudicium iudi*cem recuperatoresve facito ei, quei ex h. l. petet, et in eum ita det, utei ei* (66) et in eum iudicium, iudicem, recuperatoresve ex h. l. dare oporteret : sei quis de ea re iudiciu*m petisset, quod civem Romanum contra h. l. fecisse*
31 *diceret.*— . . 42 | 130 . .

*Sei quei ager colonieis seive moi*nicipieis seive quae pro moinicipieis colo*nieisve sunt, civium Rom(anorum)* nominisve Latini poplice deve senati sententia ager fruendus datus *est, seive quei in trientabuleis est, quei* . . 66 . . *queiv*e pro colonia moinicipiove prove moinicipieis fruentur quei(*ve*) in trienta-
32 bule*is fruentur* . . 44 | 135 . . *quod eius agri eis testamento hereditate deditione ob*venit obveneritve, quibus ante h. *l. rog. eum agrum locum con*ductum habere frui possidere defendere licuit, extra eum agrum locu*m, quem ex h. l.* . . 66 . . *venire dari reddi*ve oportebit, id, utei quicquid quoieique ante h. l. r. licuit, ita ei habere o*eti frui possidere defendere post h. l.*
33 *rog. liceto* . . 46 | 136 . .—

Quei ager locus publicus p*opulei Romanei in t*erra Italia P. Mucio L. Calpurnio cos. fuit, quod eius agri loci ex l*ege plebeive scito exve h. l. privatum factum est* . . 66 . . *sei qu*id de eo agro loco ambigetur : co(n)s(ulis) pr(aetoris), queiquomque erit, de ea re iuris*dictio iudici iudicis recuperatorumve*
34 *datio esto* . . 48 | 137 . . *neive mag(istratus) prove mag(istratu) de eo agro loco ious deicito neive dec*ernito neive iudicium n*eive iudicem neive r*ecuperatores dato, nisei co(n)s(ul) pr(aetor)ve. Quod vadimonium eius rei *causa co(n)s(ul) pr(aetor)ve promitti iusserit,quei ab eo de ea re mag(istratus) adpellati erunt, quominus*

30, 3, 4, 'quodea,' *aes.*

*eius r*ei causa decernant, eius h. l. n(ihilum) r(ogato). Quod
iudicium iudex recuperator*esve eius rei causa dati erunt* . .
35 49 | 138 . .

Quei ager locus post h. l. rog. publicus pop. Rom. in terra
Italia erit, sei quid de eo agro loco ambigetur; cos. pr(aetoris)
cens(oris) queiquom*que tum erit de ea re iu*ris dictio, iudici
iudicis recuperatorum datio esto i(ta), u(tei) e(is) e r(e) p(ub-
lica) f(ideve) s(ua) *v*(*idebitur*) *e*(*sse*) .. 68 . . *neive mag*(*istratus*)
*prove magistratu de e*o agro loco ious deicito neive de *eo agro*
*de*cernito neive iudicium *neive iudicem neive recuperatores dato,*
36 *nisei co*(*n*)*s*(*ul*) *pr*(*aetor*) *cens*(*or*). (54 | 139). *Quod iudicium*
iudex recuperatoresve eius rei causa a consule praetore censoreve
dati erunt, sei quis ab eo de ea re mag(*istratus*) *adpellaverit*
quoi eorum id iudicium e re publica non esse videbitur: quo
*minus id impediat v*el intercedat, e(ius) h(ac) l(ege) n(ihilum)
r(ogato).

Quoi publicano e(x) h. l. pequnia debebitu*r, nei quis ma-*
g(*istratus*) . . 68 . . *quid ob eam r*em facito, quo quis pro agro
minus aliterve scripturam v*ectigalve det, atque utei ex h. l.*
37 *dare debet* . . 57 | 140 . . *Sei quid publicanus eius rei causa*
sibi deberi darive oportere de*icat, de ea re co*(*n*)*s*(*u*)*l prove co*(*n*)-
s(ule) pr(aetor) prove pr(aetore), quo in ious adierint, in
diebus X proxsumeis qu*ibus de ea re in ious aditum erit,* . .
65 . . *recuperatores ex ci*vibus L, quei classis primae sient,
XI dato; inde alternos du*m taxat quaternos is quei petet et is*
38 *unde petetur, quos volent, reiciant facito* . . 57 | 144 . . *quei*
supererunt, eos de ea re iudicare iubeto, quae res soluta n*on*
*siet iure ioudici*o non siet iudicatave non siet, quod eius prae-
varicationus *causa* . . 63 . . *vel per d. m. petitorum patronoru*mve
factum non siet. Sei maior pars eorum recuperatoru*m* . .
39 48 | 146 . . id sententia *pronontiato, quod eius* rei ioudicandae
maxsume verum esse co*m*perrit, facitoqu*e* . . 61 . . *quod ita*
*ioudicatum e*rit, se dulo mal*o* utei is, quei iudicatus erit dare
40 opert*ere, solvat* . . 51 | 155 . .

Quas in leges pl(*ebei*)*ve sc*(*ita*) *de ea re, quod quei agrum*
publicum p(*op.*) *R*(*om.*) *ita habebit possidebit fruetur, utei ex*
*h. l. licebit, eum earum q*uae ag*rum, quem ita habebit h*abere,
possidere fruive vetet; quasve in leges pl(ebei)ve sc(ita) de
ea re, *quod earum quae ei, quei agrum* . . 61 . . *aliter habebit*

possidebit f*r*uetur, quam ex h. l. licebit, eum agrum, quem
*ita habebit, habere possidere frui permittat: is quei earum
legum pl(ebei)ve se(itorum) quo iurare iubetur iubebitur, non*
41 *iuraverit* . . 57 | 178 . . *ne ob eam rem mag(istratum) q*uem
minus petere capere gerere habereque liceto, neive q*uid ei ea
res fraudi esto.*—(61).

Si quae lex plebeve se(itum) est, quae ma*g*(istratum), quem
42 ex h. l. . . 57 | 180 . . *ea omnia sed f*raude sua facere liceto,
inque eas leges pl(ebei)ve se(ita) de ea re, quod ex *h. l. non
decernere* . . 71 . . *aliter* decernere oportebit, sed fraude sua
43 nei iurato, neive . . 57 | 180 . .—

. . tus est, dedit adsignavitve, quemve agrum locum de eo
agro lo*co* . . 74 . . *ex lege* pl(ebeive) se(ito), quod M. Baebius
44 tr(ib.) pl(eb.) IIIvir coloni*ae* deducend*ae rogavit* . . 57 | 178 . .
*datu*m adsignatum esse fuiseve ioudicaverit, utei in h. l.
se(riptum) est, quei l*ocus* . . 76 . . extra eum agrum locum,
45 quei ager locus in ea cen*turia supsicivove est* . . 57 | 177 . .

extraque eum agrum locum, quem ex h. l. colonei, eive
quei in colonei numero *scriptei sunt* . . 80 . . *oportet* oporte-
46 bitve, quod eius agri locei quoieique emptum est, . . 57 |
176 . . *m*anceps praevides praediaque soluti sunto; eaque
nomina mancup*um* . . 85 . . *quaestor*, quei aerarium provin-
47 ciam optinebit, in tableis *publiceis scripta habeto* . . 57 | 175 . .
de mag(istratu) Romano emit, is pro eo agro loco pequnia*m*
neive praevides nei*ve praedia populo dare debeto* . . 91 . . *neive
de ea re quis ob eam* rem, quod praes factus est, populo ob-
48 ligatus est*o* . . 57 | 174 . . *quei ob eu*m agrum locum man-
ceps praesve factus est, quodque *pr*aedium ob *eam rem populo
obligatum est* . . 102 . . *q*uei ager locus in Africa est, quei
49 Romae publice . . 57 | 173 . . eius esto, isque ager locus
privatus vectigalisque u . . 113 . . tus erit, quod eius agri
50 locei extra terra Italia est . . 57 | 170 . . *socium nominisve
Latini, quibus ex formula t*ogatorum milites in terra Italia
inperare solent, eis po*puleis* . . 120 . . ve agrum locum quei-
51 quomque habebit possidebit *fruetur*, . . 57 | 170 . . *eiusve* rei
procurandae causa erit, in eum agrum locum, in . . 125 . . *se
dolo m*alo.—

52 Quei a*g*er locus in Africa est, quod eius agri . . 57 | 170 . .

*habeat pos*sideat fruaturque, item utei sei is ager locus publi*ce* . . 128 . .

IIvir, quei ex h. l. factus creatusve erit, in biduo prox-
53 sumo, quo factus creatusve erit, e*dic*i*to* . . 57 | 170 . . *in diebus* XXV proxsumeis, quibus id edictum erit . . 128 . . *datu*m adsignatum siet, idque quom *p*rofitebitur cognito*res* . .
54 57 | 170 . . mum emptor siet ab eo quoius homin*is privatei eius agri venditio fuerit* . . 126 . . *P. Cornelio L.* Calpurnio
55 cos. facta siet, quod eius postea *ne*que ipse n*eque* . . 57 | 170 . . praefectus milesve in provinciam er*it* . . 120 . . *colono eive, quei in colonei nu*mero scriptus est, datus adsignatus est,
56 quodve eiu*s* . . 9 . . ag . . 57 | 170 . . *u*tei curator eius profiteatur, item ute*i* . . 119 . . *ex e*o edicito, utei is, quei ab
57 bonorum emptore magistro curato*reve emerit,* . . 58 | 170 . . *Sei quem quid edicto IIvirei ex h. l. profiteri oportue*rit, quod edicto IIvir(ei) profesus ex h. l. n*on erit,* . . 117 . . *ei eum agrum lo*cum neive emptum neive adsignatum esse neive fuise
58 iudicato Q . . 56 | 170 . . do ei ceivi Romano tantundem modu*m agri* . . 111 . . quei ager publice non venieit, dare reddere commutareve liceto.

59 IIvir, q*uei ex h. l. factus creatusve erit* . . 51 | 170 *de* eis agreis ita rationem ini*t*o, itaque h . . 108 . . et neive unius hominis nomine, quoi ex lege Rubria, quae fuit, colono eive, quei *in colonei numero scriptus est, agrum, quei in Africa est,*
60 *dare oportuit licuitve* . . 48 | 170 . . *data adsign*ata fuise iudicato; neive unius hominus *nomine, quoi,* . . 107 . . *colono, eive, quei in colonei nu*mero scriptus est, agrum quei in Africa est, dare oport*u*it licuitve, amplius iug(era) CC in *singulos*
61 *homines data adsignata esse fuisseve iudicato* . . 43 | 170 . . *neive maiorem numerum in Africa hominum in coloniam coloniasve deductum esse fu*iseve iudicato, quam quantum nume*rum ex lege Rubria, quae fuit* . . 106 . . *a IIIviris coloniae dedu*cendae in Africa hominum in coloniam coloniasve deduci oportuit licuitve.—

62 IIvir, quei *ex h. l. factus creatusve erit* . . 38 | 172 . . re Rom. . . 10 . . agri . . 40 . . *d*atus ad*signatus* . . 50 . . *quod eiu*s agri ex h. l. adioudicari licebit, quod ita comperietur, id
63 ei heredeive eius adsignat*um* esse iudicato . . 33 | 255 . . *quod quando*que eius agri locei ante kal. I . . 29 . . *quoiei emptum*

est ab eo, quoius eius agri locei hominus privati venditio fuit
64 tum, quom is eum agrum locum emit, quei . . 29 | 252 . . *et eum agrum locum, quem ita emit emer*it, planum faciet feceritve emptum esse, q*uem agrum locum neque ipse* neque heres eius, neque quoi is heres erit abalienaverit, quod eius agri locei ita
65 planum factum erit, IIvir ita *esse iudicato* . . 27 | 250 . . *dato re*ddito, quod is emptum habuerit, quod eius publice non venei*t*. *Item IIvir, sei is* ager locus, quei ei emptus fuerit, publice venieit, tantundem modum agri locei de eo agro loco, quei ager lo*cus in Africa est, quei publice non venieit, ei quei*
66 *ita emptum habuerit, reddito* . . 24 | 248 . . *Queique ager locus ita ex h. l. redditus erit, ei, quoius ex h. l. f*actus erit HS n(ummo) I emptus esto, isque ager locus privatus vectigalisque ita, *utei in h. l. supra* scriptum est, esto.—

Quoi colono eive, quei in colonei numero scriptus est, ager locus in ea centuria subsicivove *datus adsignatus est, quae centuria quodve subsicivom in eo agro est, quei ager Romae pub-*
67 *lice venieit venieritve* . . 19 | 246 . . *si quid eius agri IIvir, quei ex h. l. factus creatusve erit, ei colono minus adiudicaverit, tum pro ea centuria subsicivove tantundem modum agri locei de eo a*gro loco, quei ager locus in Africa est, quod eius publice non venieit, ei he*redive ei*us IIvir, quei ex h. l. factus creatusve erit, reddito.—

Quoi colono eive, quei in colonei numero scriptus est fuitve,
68 *ager locus* . . 17 | 244 . . *tantundem modum agri loci ei, quem ita emisse habui*seve comperietur, heredeive eius de agro, quei ager in Africa est, pro eo agro *IIvir reddi*to, quoieique ita reddiderit, ei adsignatum fuisse iudicato.—

Quoi agrum de eo agro, quei ager in Africa est, quei colono, ei*ve, quei in colonei numero scriptus est fuitve, datus adsignatusve est, magistratus Romae publice vendiderit* . . 15 |
69 242 . . *seiquid eius agri IIvir ei, quoi emptum esse comperietur, emptorive eius minus* adiudicaverit: tum tantundem modum agri ei, quoi ita emptum esse comperiet*ur, emptorive ei*us pro curatoreve eius heredive quoius eorum, de eo agro, quei ager in Africa est, pro eo agro IIvir reddito; quoi ita reddiderit, *ei adsignatum fuisse iudicato.*—

70 . . 13 | 240 . . *p*equniae adsignatum discriptum adsignatumve in tabuleis publiceis est eritv*e: tantam pequ*niam

populo ex eid(ibus) Mart(is), quae, post ea quam vectigalia consistent, quae post h. l. r(og.) primum consistent, prima erunt,
71 in*ferto* . . 17 | 238 . . *neive quis eam pequniam propiore die exsigito, atque* uteique in h. l. s(criptum) est; neive quod pequniae ob eam rem propior*e* die exactum er*it*, *atque uteiq*ue in h. l. s(criptum) e(st), is quei pequniam populo dare debebit ei, quei eo nomine ab populo mercassitur, ob eam rem pequ-
72 niam ei nei . . 14 | 236 . . *pla*num fiat; neive quis mag(istratus) neive pro mag(istratu) facito neive quis senator decernito, q*uo ea pequnia*, quae pro agreis loceis aedificieis, quei s(upra) s(cripti) sunt, populo debetur debebiturve, aliter exsigatur atque uteique in h. l. s(criptum) est.

73 . . 14 | 235 . . *sei ea pequnia in diebus n. n. proxumeis*, *quibus is ager locus Romae publice venieit* venierit, populo soluta non erit: is pro eo agro loco in diebus CXX proxsumeis ea *praedia* . . 21 . . quae s(upra) s(cripta) s(unt), arb(itratu) pr(aetoris), quei inte*r* ceives tum Romae ious deicet, satis supsignato.—

74 Pr(aetor), quei inter ceives Romae ious dei*cet* . . 14 | 235 . . *nisei* praedium ante ea ob eum agrum locum in publico obliga*t*um erit in publicu*mve praes datus eri*t, agrum locum, quo pro agro loco satis ex h. l. arb(itratu) pr(aetoris) supsignatum non erit, pequnia praesenti vendito. Que*i* . . 14 |
75 227 . .

*Qu*ei ager locus in Africa est, quei Romae publice veniei*t* venieritve, quod eius agri *locei*, *quei popul*eis libereis in Africa sunt, quei eorum (*in*) ameicitiam populi Romanei bello Poenicio proxsumo manserunt, queive a*d imperatorem populi Romani bello Poenicio proxsumo perfugerunt, quibus propterea*
76 *ager datus adsignatus est d*(*e*) *s*(*enatus*) *s*(*ententia*), . . 14 | 200 . . *pro eo agro loco IIvir in diebus n. n. proxsumeis*, *qu*ibus IIvir ex h. *l. fact*us creatusve erit, facito, quantum agri loci quoiusque in populi leiberei inve eo agr*o loco, quei ager l*ocus perfugis datus adsignatusve est, ceivis Romanei ex h. l. factum erit, quo pro agro loco ager loc*us ceivi R*omano ex h. l. |
77 *datus redditus commutatusve non erit, tantundem modum agri loci quoieique populo leibero perfugeisve det assignetve* . . 201 . .—

*II*vir, quei ex h. l. factus creatusve erit, is in diebus CL proxsumeis, quibus factus creatusve erit, facito, quan*do Xvirei*,

quei ex lege Livia factei createive sunt fueruntve, eis homi-
nibus agrum in Africa dederunt adsignaverun*tve*, quos sti-
78 pendium | *populo Romano pendere oportet, sei quid eius agri
ex h. l. ceiris Romani esse oportet oportebitve*, . . 201 . . *de agro,
quei publicus populi Romani in Africa est, tantundem quantum
de agro stipendiario ex h. l. ceiris* Romanei esse oportet oporte-
bitve, is stipendiariei*s* det adsignetve idque in formas publicas
facito ute*i referatur i*(*ta*) *u*(*tei*) *e r*(*e*) *p*(*ublica*) *f*(*ide*)q(ue) e(i)
e(sse) v(idebitur).—

IIvir, quei ex h. l. factus creatusve erit, is facito in diebus
79 CCL proxsumeis, quibus h. *l*. populus plebesve iuserit, | *utei
extra eum agrum locum, quei ex lege Rubria, quae fuit, colono
eive, quei in colonei numero scriptus est, datus adsignatus est* . .
201 . . *quo pro agro ager locus com*mutatus redditusve non
erit ; extraque eum agrum, quei ager intra finis populorum
leiber*o*rum Uticensium, H*adrumetinorum*, *T*ampsitanorum,
Leptitanorum, Aquillitanorum, Usalitanorum, Teudalensium,
80 quom in ameicitiam populei Romani proxumum | *venerunt,
fuit; extraque eum agrum, quei ager locus eis hominibus, quei
ad imperatorem populi Romani bello Poenicio proxsumo per-
fugerunt*, . . 201 . . *publice datus adsignatusve est*, *de senati*
s(ententia) ; ex*t*ra(*que*) eum agrum, quei ager ex h. l. privatus
factus erit, quo pro agro loco ager locus redditus commu-
tatusve *non erit ; extra*que eum agrum locum, quem IIvir
ex h. l. stipendiarieis dederit adsignaverit, quod eius ex h. l.
81 in *f*ormam publicam rellatum | *erit ; extraque eum agrum,
quem agrum* . . 200 . . *P. Cornelius lei*bereis regis Massinissae
dedit, habereve fruive iusi*t;* extraque eum agrum locum,
ubei oppodum Char*tago* fuit qu*ondam extraqu*e eum agrum
locum, quem Xvirei, quei ex *lege* Livia factei createive
fuerunt, Uticensibus reliquerunt adsignaverunt: ceterum |
82 *agrum omnem, quei in Africa est, iei habeant possideant fru-
anturve, quei* . . 200 . .—

Queicumque de eo agro vectigal decumas scripturamve pro
pecore ex lege Sempronia dare non solitei sunt, quei ager eis
ex h. l. datus redditus commutatus eri*t*, *quei eorum eum agrum*
possidebit frueturve : pro eo agro loco ne*i* vectigal neive
decumas nei*ve* scripturam, quod post h. l. r(og.) fruetur, dare
83 debeto.— |

. . 200 . . *vectigal decumas* scripturam populo aut publicano item dare debeto, utei pro eo agro loco, quem agrum locum popul*us Romanus ex h. l. locabit*, *que*m agrum locum ceivis Romanus ex h. l. possidebit, dare oportebit.

Pr(aetor), quoius arb(itratu) pro agro loco, quei Romae
84 publice venierit, ex h. l. | . . 200 . . *praedia empto*ris ter tanti i*n*vito eo quei dabit accipito, facitoque quei ex h. l. praedia dederit, utei ei satis supsig*netur neixe quis quid fax*sit, quo minus ex h. l. praedium queiquomque velit supsignet pequniamve solvat praesque queiquomque ex h. l. fieri volet, fiat.— |

85 *Quantum vectigal decumas scripturamve pecoris eum, quei agrum locum aedificium in Africa possidebit*, . . 200 . . *quei ager* locus populorum leiberorum perfugarum non fuerit, pro eo agro aedificio locoque ex l(ege) dicta, q*uam L. Caecilius Cn. Domitius cen*s(ores) agri aedifici loci vectigalibusve publiceis fruendeis locandeis vendundeis legem deixerunt, publicano
86 dare oportuit: | *tantundem post h. l. rog. quei agrum locum aedificium in Africa possidet possidebit*, . . 200 . . *publicano vectigal decumas scriptura*mque pecoris dare debeto, neive amplius ea aliubeive aliterve dare debe*to*, pequsque ne*i aliter alieisve legibus* in eo agro pascito.—

Quae vectigalia in Africa publica populi Romani sunt,
87 quae L. Caecilius Cn. Domiti(us) cens(ores) fruenda | *locaverunt vendideruntve queiquomque mag*(*istratus*) *post h. l. rog. ea vectigalia locabit vendetve, quo minus publicano eam legem dicat* . . 201 . . *quo pl*us populo dare debeat solvatque, e(ius) h. l. n(ihilum) r(ogato).—

Mag(istratus) prove mag(istratu) queive pro eo inperio iudicio . . 48 . . *queiquomque quae* publica populi Romani in Africa sunt eruntve vectigalia, fruenda locabit vendetve, quom
88 ea vectigalia fruenda locabit vendetve | *nei eis vectigalibus legem deicito, quo inviteis ieis, quei eum agrum possidebunt, publicano quid facere liceat*, (201) *quod ei non licuit facer*e ex lege dicta, quam L. Caeci(lius) Cn. Dom(itius) cens., quom eorum agrorum vectigalia fruenda locaverunt *vendideruntve* . . 50 . . *eis agris lege*m deixerunt; neive quod in eis agreis pequs *pas*cetur, scripturae pecoris lege*m* de*i*cito, quo inviteis
89 eis, quei eum agrum posidebunt, | *aliter pascantur, quam*

pastae sunt ex lege dicta, quam L. Caecilius, Cn. Domitius cen-
sores legem deixerunt . . 201 . .—

Quae vectigalia fruenda in Africa Cn. Paperius cos. vendidit
locaritve, quominus ea lege sient pareantque, quam legem
Cn. Paperius cos. eis vendundeis (*locandeis deixit*), e(ius) h.
(*l.*) n(ihilum) r(ogato).—

Quei *ager in Africa est*, . . 78 . . *quae viae in eo* agro, ante
quam Cartago capta est, fuerunt : eae omnes publicae sunto
90 limitesque inter centuria(*s*) | . . 201 . .

IIvir, quei ex h. l. factus creatusve erit, sei apud eum is,
quoi ager in Africa adsignatus est, eum agrum professus erit,
*ei eum agrum, quem a*grum in eo numero agri professus erit,
quo in numero eum agrum, quem is, quoi adsigna*tus est*,
professus erit, profiteri non oportuit, . . 82 . . *nei dato* neive
reddito neive adiudicato. Quei eam rem *ita esse* indicio
91 fuerit, ei eius agri, quod is indi*c*io eius | *quei eam rem ita*
indicaverit, in eo numero agri, quo non oportuit, professus esse
convictus fuerit, . . 201 . . *partem* . . *magistratus, qui de ea re*
iudicaverit, dato adsignato.—

*Quibuscum tran*sactum est, utei bona, quae habuisent,
agrumque, quei eis publice adsignatus esset, haberent *pos-*
siderent fruerenturve, . . 86 . . *quantus* modus agri de eo agro,
quei eis publice *datus adsign*atus fuit, publice venieit, tan-
92 tundem modum | *agri de eo agro, quei ager publice non venieit,*
magistratus commutato . . 201 . .—

Quei in Africa agrum possessionemve agrive possessionisve
*superficium habet possidetv*e fruiturve, quem agrum possesio-
nemve quoiusve agri possesionisve superficium q(uaestor)
pr(aetor)ve pu*blice vendiderit* . . 86 . . *o*b eum agrum locum
possesione*m agrive superfic*ium scrip*t*uram pecoris nei dato
93 neive | *vectigal solvito* . . 200 . . is ager ex s(enatus) c(onsulto)
datus adsignatus est, ei agrei, quei s(upra) s(criptei) s(unt),
possesionesque, ea omnia eorum h*ominum* . . 92 . . *magistratus*
quo de ea re in ious aditum erit, *ita de ea re iudicium de*t, utei
94 de ea re in *h.* l. s(criptum) est, neive | . . 200 . . os comportent,
quibus ex h. l. ager locus datus redditus commutatus ad-
signatus *est* . . 97 . . *agrum locum ex h. l.* dari reddi adsignari
95 . . 19 . . *e*um agrum locum ceivis R*omanus* | . . 210 . . quod-
que in eo agro loco vinei oleive fiet, quae messis vindemiaque

P. Cornelio, L. C*alpurnio cos. posteave fiet* . . 102 . . *eos*
96 fructus . . 20 . . *q*uei eum agrum tum . . 5 | 200 . .

*Quei ex h. l. IIvir factus creatusve erit, is in diebus n. n. proxsume*is, quibus ex h. l. IIvir factus creatusve *e*rit, ag*r*um locum, quei Corinthiorum *fuit* . . 133 . . *e*xtra eum ag*rum*
97 *locum* . . 17 | 202 . . *agrum locum*, quem ex h. l. venire oportebit, omnem me*tiun*dum terminosque statui *curato* . . 136 . .
98 *eu*m a*grum* . . 22 | 204 . . *opu*sque loc*at*o eique operei diem
99 deicito, u*bei perf*ectum siet, facitoque . . 156 | 215 . . *quod eius* agri loci aedifici quoieiqu*e emptum* erit, is eius pecuniae,
100 q*uam* . . 156 | 215 . . *manceps praedia prae*videsque nei magis solutei sun*to; eaque* nomina mancupu*m is quaestor*, *quei aerarium provinciam optinebit, in tabuleis publiceis scripta*
101 *habeto* . . 156 | 215 . . *here*dibusque eorum persequtio e*sto.*
102 *Quei* ager locus aedif*icium* . . 156 | 216 . . *populo* dare damnas esto. Pr(aetor) *prove pr*(*aetore*), *quo de ea* re in ious adi-
103 *tum erit* . . 156 | 227 . . i venierit n . . . . *aed*ifici . . 156 |
104 | 233 . . . . . . possesi*ones* . . . . 190 |
105 | 235 . . . . pli . . . . 191 |

EPISTULA PRAETORIS AD TIBURTES SAECULI UT VIDETUR SEPTIMI MEDII A.V.C.

C. 201. P.M. XLVIII. G ex Nicodemo. Tabula ahenea, Tibure reperta, hodie aut periit aut latet.

L. Cornelius Cn. f. pr(aetor) sen(atum) cons(uluit) a. d. III. Nonas Maias sub aede Kastorus.

Scr(ibendo) adf(uerunt) A. Manlius A. f., Sex. Julius . . . . L. Postumius S(p.) f.

Quod Teiburtes v(erba) f(ecistis) quibusque de rebus vos purgavistis ea senatus | animum advortit ita utei aequom fuit. Nosque ea ita audiveramus, | ut vos deixsistis vobeis

nontiata esse. Ea nos animum nostrum | non in doucebamus ita facta esse propter ea quod scibamus | ea vos merito nostro facere non potuisse, neque vos dignos esse | quei ea faceretis neque id vobeis neque rei poplicae vostrae | oitile esse facere. Et postquam vostra verba Senatus audivit, | tanto magis animum nostrum indoucimus, ita utei ante | arbitrabamur, de eieis rebus af vobeis peccatum non esse.

| Quonque de eieis rebus senatuei purgati estis, credimus, vosque | animum vostrum indoucere oportet, item vos populo | Romano purgatos fore.

LEX CORNELIA DE XX QVAESTORIBUS.

Circa v.c. 673 = A.C. 81.

C. 202. P.M. XXIX. Bruns, p. 68. 'Tabula ahenea clavis olim parieti adfixa reperto est Romae in ruinis aedis Saturni ad Tarpeii montis radices una cum Lege Antonia de Termessibus.' Superest solum octava ex decem vel duodecim tabulis, adservata hodie in museo Borbonico Neapoli. Vide adnotata.

S. C. DE ASCLEPIADE POLYSTRATO MENISCO IN AMICORUM FORMULAM REFERENDIS.

v.c. 676 = A.C. 78.

C. 203. P.M. XXX. Bruns, p. 120, cuius ordinem sequor. Tabula ahenea reperta Romae Saec. XVI, hodie Neapoli in museo Borbonico adservatur. In tabula inscriptio latina ex superiore, graeca ex inferiore parte scribitur: latinae solum supersunt fragmenta, graeca paene integra est.

1 Ἐπὶ ὑπάτων Κοΐντου Λυτατίου, Κοΐντου υἱοῦ, Κάτλου καὶ
Co(n)s(ulibus) Q(uinto) Lutatio, Q(uinti) f(ilio), Catulo, et
Μάρκου Αἰμι[λίου, Κοΐντου υἱοῦ] | Μάρκου υἱωνοῦ, Λ[ϵ]π[ί]δου,
M(arco) Aemilio, Q(uinti) f(ilio), M(arci) n(epote), Lepido,

στρατηγοῦ δὲ κατὰ πόλιν καὶ ἐπὶ τῶν ξένων Λευκίου Κορνηλίο[υ
pr(aetore) urbano et inter peregrinos L(ucio) Cornelio,
3 . . . υἱοῦ] | Σισέννα, μηνὸς Μαΐου. Κόϊντος Λυτάτιος, Κοΐντου
. . . filio, Sisenna, mense Maio. Q(uintus) Lutatius, Q(uinti)
υἱὸς, Κάτλος ὕπατος συγκλήτῳ συνεβούλ[ευσεν] | πρὸ [ἡ]μερῶν
f(ilius), Catulus co(n)s(ul) senatum consuluit a(nte) d(iem)
ἕνδεκα καλανδῶν Ἰουνίων ἐν κομετίῳ. Γραφομένῳ παρῆσαν
XI k(alendas) Iun(ias) in comitio. Scribundo adfuerunt
5 Λεύκιος Φαβέριος, Λευκίου υἱὸς, Σεργία, Γάϊο[ς . . . Λευ]|κίου
Lucius Faberius, Lucii filius, Ser(gia), C(aius) . . . L(ucii)
υἱὸς, Ποπλι[λ]ία, Κόϊντος Πετίλλιος, Τίτου υἱὸς, Σεργία.
f(ilius), Pop(lilia), Q(uintus) Petillius, T(iti) f(ilius), Ser(gia).

Περὶ ὧν Κόϊντος Λυτάτιος, Κοΐντου υἱὸς, Κάτ[λ]ος ὕπατος
Quod Q(uintus) Lutatius, Q(uinti) f(ilius), Catulus co(n)s(ul)
λόγους ἐποιήσατο, Ἀ[σκληπιάδην] | Φιλίνου υἱὸν Κλαζομένιον,
verba fecit, Asclepiadem, Philini filium, Clazomenium,
Πολύστρατον, Πολυάρκου υἱὸν, Καρύστιον Με[νί]σκον, Εἰρηναίου,
Polystratum, Polyarci filium, Carystium, Meniscum Irenaei,
τὸν γε[γο]νότα Μενίσκον Θαργηλίου, υἱὸν Μιλή[σιον, ναυάρχους] |
qui fuit Meniscus Thargelii, filium Milesium, navarchos
7 ἐν τοῖς πλοίοις παραγεγονέναι τοῦ πολέμου τοῦ Ἰταλικοῦ ἐ[ξ]αρ-
in navibus adfuisse bello Italico coep-
χομένου, τούτους ἐργασίαν ἔπανδρον καὶ πιστὴν τοῖς δημοσίοις
to, eos operam fortem et fidelem rei
πράγμασιν τοῖς ἡμετέρ[οις παρεσχηκέ] | ναι, τούτους ἑαυτὸν κατὰ
publicae nostrae navasse, eos se ex
τὸ τ[ῆ]ς συγκλήτου δόγμα εἰς τὰς πατρίδας ἀπολῦσαι βούλεσθαι,
senatus consulto in patriam dimittere velle,
ἐὰν αὐτ[ῇ] φαίνηται, ὅπως ὑπὲρ τῶν καλῶς πεπραγμένων ὑπ'
si ei videretur, ut pro rebus bene gestis ab
9 αὐ[τῶν καὶ ἀνδρα]|γα[θη]μάτων εἰς τὰ δημόσια πράγματα
eis et meritis in rem publicam
τὰ ἡμέτερα καταλογὴ αὐτῶν γένηται· περὶ τούτου τοῦ πράγματος
nostram adlectio eorum fieret de ea re
οὕτως ἔδοξεν.
ita censuerunt.

Ἀσκληπιάδην Φιλίνου υἱὸν Κλαζ[ομένιον], | Πολύστρατον
Asclepiadem Philini filium Clazomenium, Polystratum
Πολυάρκου υἱὸν Καρύστιον, Μενίσκον Εἰρηναίου υἱὸν Μιλήσιον
Polyarci filium Carystium, Meniscum Irenaei filium Milesium

τὸν γεγονότα Μενίσκον ἄνωθεν δὲ Θαργηλίου, ἄνδρας καλοὺς
qui fuit Meniscus ante Thargeli, viros bonos
11 καὶ ἀγαθοὺς καὶ φί[λους προσ]αγορεῦσαι· τὴ[ν σ]ύ[ν]κλητον
probosque et amicos adpellari; senatum
καὶ τὸν δῆμον τὸν Ῥωμαίων διαλανβάνειν τὴν τούτων ἐργασίαν
populumque Romanum existimare eorum operam
καλ[ὴν] καὶ ἔπανδρον καὶ πιστὴν τοῖς δημοσίοις πράγμασιν
bonam et fortem et fidelem rei publicae
τοῖς ἡμετ[έ]ρο[ις γεγ]ονέναι, | δι' ἣ[ν] αἰτίαν τὴν σύνκλ[η]τον
nostrae fuisse, quam ob causam senatum
κρίνειν, ὅπως οὗτοι τέκνα ἔκγονοί τε αὐτῶν ἐν ταῖς ἑαυτῶν πατρίσιν
censere, uti ii liberi posterique eorum in suis patriis
ἀλειτούργητοι πάντων τῶν πραγμάτων [κ]αὶ ἀνείσφοροι ὦσιν· εἴ
vacui omnium munerum et tributorum immunes sint. si
13 τινες εἰσφ[οραὶ] ἐκ τῶν | ὑπαρχόντων αὐτῶν εἰςπεπραγμέναι εἰσὶν
qua tributa ex bonis eorum exacta sunt,
μετὰ τὸ τούτους τῶν δημοσίων πραγμάτων τῶν ἡμετέρων χάρ[ιν]
posteaquam rei publicae nostrae causa
ὁρμῆσαι, ὅπως αὐταὶ αὐτοῖς ἀποδ[ο]θῶσιν ἀποκατασταθῶσιν·
profecti sunt, ut ea iis reddantur restituantur;
εἴ τέ τινε[ς] ἀγροὶ οἰκίαι ὑπάρχοντα αὐτῶν πέπρανται μετὰ τὸ ἐκ
sique qui agri aedificia bona eorum venierunt, postquam
τῆς πατρίδος τῶν δημοσίων πραγμάτων τῶν ἡμετ[έ]ρων χάριν ὁρ-
e patria rei publicae nostrae causa pro-
15 μῆσαι, ὅπως ταῦτα πάντα αὐτοῖς εἰς ἀκέραιον ἀπακαταστα[θ[ῇ]· εἴ
fecti sunt, ut ea omnia eis in integrum restituantur; sique
τέ τις προθεσμία παρε[λ]ήλυθεν, ἀφ' οὗ ἐκ τῆς πατρίδος τῶν δημο-
qui dies constitutus exierit, ex quo e patria rei
σίων πραγμάτων τῶν ἡμετέρων χάριν ὥρμησα[ν], μή τι τοῦτο τὸ
publicae nostrae causa profecti sunt, nequid ea
πρᾶγμα αὐτοῖς βλαβερὸν γένηται | μηδέ τι αὐτοῖς διὰ ταύτην
res eis noceat neve quid eis ob eam
τὴν αἰτίαν ἔλασσον ὀ[φ]είληται μηδέ τι ἔλασσον αὐτοῖς μεταπορεύ-
causam minus debeatur neve quid minus eis per-
εσθαι πράσσειν ἐξ[ῇ], ὅσαι τε κληρονομίαι αὐτοῖς ἢ τοῖς τέκνοις
sequi exigere liceat, quaeve hereditates eis leiberisve
17 αὐτῶν | παρεγένοντο, ὅπως ταύτας ἔχωσιν διακατέχω[σ]ιν καρπεύ-
1 eorum obvenerunt, ut eas habeant possideant fruan-
ωνταί τε· ὅσα τε ἂν αὐτοὶ τέκνα ἔκγον[ο]ι γυναῖκέ[ς] τε αὐτῶν
turque; quaeque | ei liberi posteri uxoresve eorum

παρ' ἑτέρου μεταπορεύωνται, ἐάν τέ τι παρ' αὐτῶν τέκνων
ab altero persequentur, sive quid ab eis leibereis
ἐκγόνων γυναικῶν τε αὐτῶν ἕτεροι μεταπορεύωνται, ὅπως τούτων
postereis ux*oribusve eorum alii persequentur, ut eis*
τέκνων [ἐκγόνων] γυναικῶν τε αὐτῶν ἐξουσία καὶ αἵρεσις [ῇ],
3 *liberis posteris uxoribusve* | *eorum ius et potestas sit,*
19 ἐάν τε ἐν ταῖς πα|τρίσιν κατὰ τοὺς ἰδίους νόμους βούλωνται κρί-
*sive in patria suis propriis legibus velint iudic*io
νεσθαι, ἢ ἐπὶ τῶν ἡμετέρων ἀρχόντων ἐπὶ Ἰταλικῶν κριτῶν,
certare seive apud magistratus *nostros Italicis iudicibus,*
ἐάν τε ἐπὶ πόλεως ἐλευθέρας τῶν διὰ τέλους | ἐν τῇ φιλίᾳ τοῦ
seive in civitate libera | *aliqua earum, quae semper in amicitia*
δήμου τοῦ Ῥωμαίων μεμενηκυιῶν, οὗ ἂν προαιρῶνται, ὅπως ἐκεῖ
p(*opuli*) *R*(*omani*) *manseru*nt, ubei velint utei ibei
τὸ κρ[ι]τήριον περὶ τούτων τῶν πραγμάτων γίνηται· εἴ τινα
iudicium de eis rebus fiat. Sei qua
21 κριτήρια | περὶ αὐτῶν ἀπόντων μετὰ τὸ ἐκ τῆς πατρίδος ὁρμῆσαι
iudicia de eis absentibus postquam e patria profecti
γεγονότα ἐστὶν, ταῦτα ὅπως εἰς ἀκέ[ρ]αι[ον] ἀποκατασταθῇ καὶ
5 *sunt,* | *facta sunt, ea ut in integrum restitu*antur et
ἐξ ἀκεραίου κριτήριον κατὰ | τὸ τῆς συνκλήτου δόγμα γένηται.
de integro iudicium ex s(enatus) c(onsulto) fiat.
εἴ τι[ν]α χρήματα αἱ πόλεις αὐτῶν δημοσίᾳ ὀφείλωσιν, μή τι
Sei quas pecunias ci*vitates eorum publice debeant ne quid*
23 εἰς ταῦτα τὰ χρήματα δοῦναι ὀφείλωσιν· | ἄρχοντες ἡμέτεροι,
in eas | *pecunias dare debeant. Magistrat*us nostri
οἵτινες ἄν ποτε Ἀσίαν Εὔβοιαν μισθῶσιν ἢ προσόδους Ἀσίᾳ
queiquomque Asiam Euboeam locabunt vectigalve Asiae
Εὐβοίᾳ ἐ[π]ιτιθῶσ[ι]ν, φυλάξωνται μή τι οὗτοι δοῦναι ὀφεί-
Euboeae imponent, curent, ne quid ei dare de-
λωσιν· | ὅπως τε Κόϊντος [Λ]υτάτιος, Μάρκος Αἰμίλιος ὕπατοι,
7 *beant.* | *Utique Q*(*uintus*) *Lutatius, M*(*arcus*) Aemilius cos.
ὁ ἕτερος ἢ ἀμφότεροι, ἐὰν α[ὐ]τ[οῖς φ]αίνηται, τούτους εἰς τὸ τῶν
a(lter) a(mbove) s(ei) e(is) v(ideretur), eos in ameico-
25 φί[λ]ων διάταγμα ἀνενεχθ[ῆ]|ναι φροντίσωσιν· τούτοις τε πίνα[κα]
rum formulam referundos curarent eis*que tabulam*
χαλκοῦν φιλίας ἐν τῷ Καπετωλίῳ ἀναθεῖναι θυσίαν τε ποιῆσαι
aheneam amicitiae in Capitolio ponere | *sacrificiumque* facere
ἐξ[ῇ], ξένιά τε αὐτοῖς κατὰ τὸ διάτα|γμα τόπον παροχήν τε
liceret, munusque eis ex formula locum lautiaque

τὸν ταμίαν τὸν κατὰ πόλιν τούτοις μισθῶσαι ἀποστ[εῖ]λαί τε
q(uaestorem) urb(anum) eis locare mittere*que*
27 κελεύσωσιν· ἐάν τε περὶ τῶν ἰδίων πραγμάτων | πρεσβευτὰς
iuberent. Seique de sueis rebus legatos
πρὸς τὴν σύγκλητον ἀποστέλλειν αὐτοί τε παραγίνεσθαι προαιρ-
9 *ad senatum* | *mittere* lega*teive* veneire vel-
ῶνται, ὅπως αὐτοῖς τέκνοις ἐκγόνοις τε αὐτῶν | πρεσβευταῖς
lent, uti eis leibereis postereisque eorum legatos
παραγίνεσθαι καὶ ἀποστέ[λ]λειν τε ἐξῇ· ὅπως τε Κόϊντος Λυτάτιος,
venire mittereque liceret. uteiq*ue Q(uintus) Lutatius*
29 Μάρκος Αἰμίλιος ὕπατοι, ὁ ἕτερος ἢ ἀμφότεροι, | ἐὰν αὐτοῖς φαί-
M(arcus) Aemilius cos. alter ambove | sei v(ideatur)
νηται, γράμματα πρὸς τοὺς ἄρχοντας τοὺς ἡμετέρους, οἵτινες
e(is), litteras ad magistratus nostros, quei
Ἀσίαν Μακεδονίαν ἐπαρχείας [δ]ιακατέχουσιν, | καὶ πρὸς τοὺς
Asiam Macedoniam provincias optinent, et ad ma-
ἄρχοντας αὐτῶν ἀποστείλωσιν τὴν σύνκ[λ]ητον θέ[λ]ειν καὶ δίκαιον
11 gistratus eorum mitta*nt senatum velle et* | aequom
31 ἡγεῖσθαι ταῦτα οὕτω γίνεσθαι, | οὕτως ὡς ἂν αὐτοῖς ἐκ τῶν δημο-
censere ea ita fierei— i(ta) u(tei) e(is) e r(e)
σίων πραγμάτων πίστεώς τε τῆς ἰδίας φα[ί]νηται.—Ἔδοξεν.— |
p(ublica) f(ideve) s(ua) v(ideatur). C(ensuere).—

Ἀσκληπιάδου τοῦ Φιλίνου Κλαζομενίο[υ]. Πολυστράτου τοῦ
33 Πολυάρκου | Καρυστίου. Μενίσκου τοῦ Εἰρηναί[ου Μ]ιλησίου.

LEX ANTONIA DE TERMESSIBUS.

Circa v. c. 683 = a. c. 71.

C. 204. P.M. xxxi. Bruns, p. 124. Tabula ahenea Romae saec. xvi. reperta (ad Tarpei radices in Saturni ruinis) hodie Neapoli adservata. Prima tantum legis tabula extat, quattuor vel quinque desunt. Cf. lapidem eiusdem collegii, infra C. 593.

I de Termesi(bus) Pisid(is) mai(oribus).— | . . . .
C. Antonius, M(arci) f(ilius), Cn. Corne | . . . .

C. Fundanius, C. f., tr. pl., de s(enatus) s(ententia) plebem *ioure rogaverunt plebesque ioure scivit in . . . . . a. d. . . . . . Tribus . . . . principium fuit: pro Tribu* | preimus scivit.— |

I. (1) Quei Thermeses maiores Peisidae fuerunt, queique | eorum legibus Thermesium maior*u*m Pisidarum | ante k. April., quae fuerunt L. Gellio Cn. Lentulo cos., | Thermeses maiores Pisidae factei sunt, queique || ab ieis prognati sunt erunt, iei omnes | postereique eorum Thermeses maiores Peisidae | leiberi amicei socieique populi Romani sunto, | eique legibus sueis ita utunto, itaque ieis | omnibus sueis legibus Thermensis maioribus || Pisideis utei liceto, quod advorsus hanc legem | non fiat.— |

(2) Quei agrei quae loca aedificia publica preivatave | Thermensium maiorum Pisidarum intra fineis | eorum sunt fueruntve L. Marcio Sex. Iulio cos., || quaeque insulae eorum sunt fueruntve ieis | consolibus, quei supra scriptei sunt, quodque | earum rerum ieis consulibus iei habuerunt | possederunt us*ei fructeique* sunt, quae de ieis rebus | locata non s*unt, utei antea habeant possideant; q*uaeque || de ieis rebu*s agreis loceis aedificieis locata su*nt, ac ne | locentur *sancitum est sanctione, q*uae facta | est e*x* l*ege rogata L. Gellio Cn. Lentulo cos.*, e*a* omnia | Ther*meses maiores Pisidae habean*t possideant, | ieisque *rebus loceis agreis aedificieis utantur fru*antur || ita, utei ant*e Mitridatis bellum, quod p*reimum | fuit, habueru*nt possiderunt usei fruct*eique sunt.— |

(3) Quae Thermensorum m*aioru*m Pisidarum publica | preivatave praeter loca agros aedificia sunt | fueruntve ante bellum Mitridatis, quod preimum || factum est, quodque earum rerum iei antea | habuerunt possederunt usei fructeive sunt, | quod eius ipsei sua voluntate ab se non abalienarunt, | ea omnia Termensium maiorum Pisidarum utei sunt | fuerunt, ita sunto, itemque ieis ea omnia || habere possidere uutei frueique liceto.— |

(4) Quos Thermenses maiores Pisidae leiberos servosve ||

II. bello Mitridatis ameiserunt, magistratus pr*ove* magistratu, quoia de ea re iuris dictio erit, qu*oque* | de ea re in ious aditum erit, ita de ea re ious | deicunto iudicia recuperationes danto, utei ie*i* || eos recuperare possint.— |

(5) Nei quis magistratus prove magistratu legatus ne*ive* |

quis alius meilites in oppidum Thermesum maiorum | Pisidarum agrumve Thermensium maiorum | Pisidarum hiemandi caussa introducito, neive || facito, quo quis eo meilites introducat quove ibei | meilites hiement, nisei senatus nominatim, utei Thermesum | maiorum Pisidarum in hibernacula meilites | deducantur, decreverit; neive quis magistratus | prove magistratu legatus neive quis alius facito || neive inperato, quo quid magis iei dent praebeant | ab ieisve auferatur, nisei quod *eos* ex lege Porcia | dare praebere oportet oportebit.—|

(6) Quae leges quodque ious quaeque consuetudo L. Marcio | Sex. Iulio cos. inter civeis Romanos et Termenses || maiores Pisidas fuit, eaedem leges eidemque ious | eademque consuetudo inter ceives Romanos et | Termenses maiores Pisidas esto; quodque quibusque | in rebus loceis agreis aedificieis oppideis iouris | Termensium maiorum Pisidarum ieis consulibus, || quei supra scriptei sunt, fuit, quod eius praeter | loca agros aedificia ipsei sua voluntate ab se non | abalienarunt, idem in eisdem rebus loceis agreis | aedificieis oppideis Termensium maiorum Pisidarum | ious esto; et quo minus ea, quae in hoc capite scripta || sunt, ita sint fiant, eius hac lege nihilum rogatur.— |

(7) Quam legem portorieis terrestribus maritumeisque | Termenses maiores Phisidae capiundeis intra suos | fineis deixserint, ea lex ieis portorieis capiundeis | esto, dum nei quid portori ab ieis capiatur, quei publica || populi Romani vestigalia redempta habebunt; quos | per eorum fineis publicani ex eo vectigali transportabunt || *fructus eorum portorium Thermenses maiores Pisidae ne petunto neve capiunto.*

(*Desunt paginae circiter decem.*)

LEX RUBRIA DE CIVITATE GALLIAE CISALPINAE.

Circa v.c. 705 = a.c. 49.

C. 205. P.M. xxxii. Bruns, p. 72. Tabula ahenea olim parieti affixa, inter parietinas Veleiae prope Placentiam a. 1760 reperta, Parmae adservatur. Quarta legis tabula sola extat, ex qua unum caput 'de pecunia certa credita' delegi. Exstant praeter hoc capita duo integra, duo mutila.

XXI. A quoquomq(ue) pecunia certa credita, signata forma p(ublica) p(opulei) R(omanei), in eorum quo o(ppido) m(unicipio) c(olonia) p(raefectura) | f(oro) v(eico) c(onciliabulo) c(astello) t(erritorio)ve, quae sunt eruntve in Gallia cisalpeina, petetur, quae res non | pluris HS $\overline{\overline{\text{XV}}}$ erit, sei is eam pecuniam in iure apud eum, quei ibei i(ure) d(eicundo) p(raerit), ei quei | eam petet, aut ei quoius nomine ab eo petetur, d(are) o(portere) debereve se confessus | erit, neque id quod confessus erit solvet satisve faciet, aut se sponsione | iudicioque utei[ve] oportebit non defendet, seive is ibei d(e) e(a) r(e) in iure non | responderit, neque d(e) e(a) r(e) sponsionem faciet neque iudicio utei oportebit | se defendet: tum de eo, a quo ea pecunia peteita erit, deque eo, quoi eam | pecuniam d(arei) o(portebit), s(iremps) res lex ius caussaque o(mnibus) o(mnium) r(erum) esto, atque utei esset esseve | oporteret, sei is, quei ita confessus erit aut d(e) (ea) r(e) non responderit aut se | sponsione iudicioque utei oportebit non defenderit, eius pecuniae iei, | quei eam suo nomine petierit quoive eam d(arei) o(portebit), ex iudicieis dateis, iudi|careve recte iusseis, iure lege damnatus esset fuisset. Qu*e*ique quomque | IIvir IIIIvir praefec(tus)ve *i*bei i(ure) d(eicundo) p(raerit), is eum, quei ita quid confessus erit | neque id solvet satisve faciet, eum(*ve*), quei se sponsione iudiciove utei[ve] | oportebit non defenderit aut in iure non responderit neque id solvet | satisve faciet, t(antae) p(ecuniae), quanta ea pecunia erit de qua tum inter eos am|bigetur, dum t(axat) *HS* $\overline{\text{XV}}$ s(ine) f(raude) s(ua) duci

iubeto; queique eorum quem, ad quem | ea res pertinebit, duxserit, id ei fraudi poenaeve ne esto; quodque ita factum actum iussum erit, id ius ratumque esto. Quo minus in eum, quei ita | vadimonium Romam ex decreto eius, quei ibei i(ure) d(eicundo) p(raerit), non promeisserit | aut vindicem locupletem ita non dederit, ob e(am) r(em) iudicium recup(erationem) is, quei | ibei i(ure) d(eicundo) p(raerit), ex h. l. det iudicareique d(e) e(a) r(e) ibei curet, ex h. l. n(ihil) r(ogatur).— |

LEX IULIA MUNICIPALIS.

V.C 709 = A.C. 45.

C. 206. P.M. XXXIII, XXXIV. Bruns, p. 76. Ex tribus tabulis Heracleensibus duae a. 1732 repertae sunt, tertia paulo post in lucem prodiit. Ab altera parte Graece inscriptae sunt omnes et quidem antiquitus (C. I. Gr. III. 5774, 5775), duae tantum latine. Hodie Neapoli adservantur. Excerpta solum ex fragmentis huius legis dedi, quae argumentum et rationem satis ostendere videantur.

(6) Queiquomque frumentum populo dab*it* damdumve curabit, nei quo*i* eorum, quorum nomina h. l. ad cos. pr(aetorem) tr(ibunum) pl(ebis) in ta|bula in albo proposita erunt, frumentum dato neve dare iubeto neve sinito. Quei adversus ea eorum quo*i* frumentum | dederit, is in tr(itici) m(odios) I IIS IↃↃↃ populo dare damnas esto, eiusque pecuniae quei volet petitio esto.— |

(7) Quae viae in urbem Rom(am), propiusve u(rbem) R(omam) p(assus) M, ubei continente habitabitur, sunt erunt, quoius ante aedificium earum quae | vi*a* er*i*t, is eam viam arbitratu eius aed(ilis), quoi ea pars urbis h. l. obvenerit, tueatur; isque aed(ilis) curato, uti, quorum | ante aedificium erit, quamque viam h. l. quemque tueri oportebit, ei omnes

eam viam arbitratu eius tueantur, neve eo | loco a*qua* consistat, quo minus conmode populus ea via utatur.—

(10) Quemquomque ante suum aedificium viam publicam h. l. tueri oportebit, quei eorum eam viam arbitratu eius aed(ilis), | quoius oportuerit, non tuebitur, eam viam aed(ilis), quoius arbitratu eam tuerei oportuerit, tuemdam locato; | isque aed(ilis) diebus ne minus X, antequam locet, aput forum ante tribunale suom propositum habeto, quam | viam tuendam et quo die locaturus sit, e*t* quorum ante aedificium ea via sit; eisque, quorum ante aedificium | ea via erit, procuratoribusve eorum domum denuntietur facito, se eam viam locaturum, et quo die locaturus | sit; eamque locationem palam in foro per q(uaestorem) urb(anum), eumve quei aerario praerit, facito. Quamta pecunia eam | viam locaverit, tamtae pecuniae eum eosque, quorum ante aedificium ea via erit pro portioni, quamtum | quoiusque ante aedificium viae in longitudine et in latitudine erit, q(uaestor) urb(anus), queive aerario praerit, in tabula*s* | publicas pecuniae factae referundum curato. Ei, qu*e*i eam viam tuemdam redemerit, tamtae pecuniae eum eos|ve adtribuito sine d(olo) m(alo). Sei is, quei adtributus erit, eam pecuniam diebus XXX proxum*e*is, quibus ipse aut pro|curator eius sciet adtributionem factam esse, ei, *q*uoi adtributus erit, non solverit neque satis fecerit, is | quamtae pecuniae adtributus erit, tamtam pecuniam et eius dimidium ei, quoi adtributus erit, da*r*e debeto, | inque eam r*e*m is, quoquomque de ea re aditum erit, iudicem iudiciumve ita dato, utei de pecunia credita | (*iudicem*) iudicium*v*e dari oporte*re*t.— |

(13) Quoius ante aedificium semita in loco erit, is eam semitam, eo aedificio perpetuo lapidibus perpetueis | integreis continentem, constratam recte habeto arbitratu eius aed(ilis), quoius in ea parte h. l. viarum | procurat*io* erit.— |

(14) Quae viae in u(rbem) R(omam) sunt erunt intra ea loca, ubi continenti hab*i*tab*i*tur, ne quis in ieis vieis post k. Ianuar. | primas plostrum interdiu post solem ortum, neve ante horam X diei ducito agito, nisi quod aedium | sacrarum deorum inmortalium caussa aedificandarum, operisve publice

faciumdei causa, advehei porta'ri oportebit, aut quod ex urbe exve ieis loceis earum rerum, quae publice demoliend*ae* loca*tae* erunt, publi'ce exportarei oportebit, et quarum rerum caussa plostra h. l. certeis hominibus certeis de causeis agere | ducere licebit.— |

(15) Quibus diebus virgines Vestales, re*gem* sacrorum, flamines, plostreis in urbe sacrorum publicorum p(opuli) R(omani) caussa | vehi oportebit, quaeque plostra triumphi caussa, quo die quisque triumpha*b*it, ducei oportebit, quaeque | plostra ludorum, quei Romae aut urbei Romae p(*ropius*) p(*assus*) *M* publice feient, inve pompam ludeis circiensibus ducei agei opus | erit : qu*o* minus earum rerum caussa eisque diebus plostra interdiu in urbe ducantur agantur, e(ius) h(ac) l(ege) n(ihil) r(ogatur).— |

(22) Queiquomque in municipieis coloneis praefectureis foreis conciliabuleis c(ivium) R(omanorum) IIvir(ei) IIIIvir(ei) erunt, aliove | quo nomine mag(istratum) potestatemve su*f*ragio eorum, quei quoiusque municip*i* coloniae praefecturae | for*i* conciliabuli erunt, habebunt : nei quis eorum que*m* in eo municipio coloni*a* praefectur*a* *f*oro concilia'bulo (*in*) senatum decuriones conscriptosve legito neve sublegito neve c*o*ptato neve recitandos curato, | nisi in demortuei damnateive locum eiusve, quei confessus erit, se senatorem decurionem conscreiptumve | ibei h. l. esse non licere.— |

(23) Quei minor annos XXX natus est erit, nei quis eorum post k. Ianuar. secundas in municipio colonia praefe'ctura IIvir(atum) IIIIvir(atum) neve quem alium mag(istratum) petito neve capito neve gerito, nisei quei eorum stipendia | equo in legione III, aut pedestria in legione VI fecerit, quae stipendia in castreis inve provincia maiore*m* | partem sui quoiusque anni fecerit, aut bina semestria, quae ei pro singuleis ann*u*eis procedere oporteat, | aut ei vocat*i*o rei militaris legibus pl(ebei)ve sc(itis) exve foidere erit, quocirca eum inveitum merere non | oporteat. Neve quis, que*i* praeconium dissignationem libitinamve faciet, dum eorum quid faciet, in muni'cipio colonia praefectura IIvir(atum) IIIIvir(atum) aliumve quem mag(istratum) petito neve capito neve gerito neve habeto, | neve ibei senator neve decurio neve

conscriptus esto, neve sententiam dicito. Quei eorum ex eis, quei s(upra) s(criptei) s(unt), | adversus ea fecerit, is HS Iↄↄↄ p(opulo) d(are) d(amnas) e(sto), eiusque pecuniae quei volet petitio esto.—

108 (25) Quae municipia colonia*e* praefectura*e* fora conciliabula
c(ivium) R(omanorum) sunt erunt, nei quis in eorum quo
municipio | colonia praefectura (*foro*) conciliabulo *in* senatu
decurionibus conscreipteisque esto, neve quo*i* ibi in eo
110 ordine | sente*n*tiam deicere ferre liceto: quei furtei, quod
i*ps*e fecit fecerit, condemnatus pactusve est erit; | queive
iudicio fiduci*ae*, pro socio, tutelae, mandatei, iniuriarum deve
d(olo) m(alo) condemnatus est erit; queive lege | Plaetoria
ob eamve rem, quod adversus eam legem fec*it* fecerit, con-
demnatus est erit; queive depugnandei | caussa auctoratus
est erit fuit fuerit; queive in iure (*bonam copiam abiuravit*)
abiuraverit, bonamve copiam iuravit iuraverit; quei*ve* | spon-
soribus creditoribusve sueis renuntiavit renuntiaverit, se
115 soldum solvere non posse, aut cum eis | pactus est erit, se
soldum solvere non posse; prove quo datum depensum est
erit; quoiusve bona ex edicto | eius, qu*ei* i(ure) d(eicundo)
praefuit praefuerit,—praeterquam sei quoius quom pupillus
esset reive publicae caussa abesset | neque d(olo) m(alo) fecit
fecerit quo magis r(ei)p(ublicae) c(aussa) a(besset), (*bona pos-
sessa proscriptave sunt erunt*),—possessa proscriptave sunt
erunt; queive iudicio publico Romae | condemnatus est erit,
quocirca eum in Italia esse non liceat, neque in integrum
resti(*tu*)tus est erit; queive in eo | municipio colonia prae-
fectura foro conciliabulo, quoius erit, iudicio publico con-
120 demnatus est erit; quemve | k(alumniae) praevaricationis
caussa accussasse fecisseve quod iudicatum est erit; quoive
aput exercitum ingnominiae | caussa ordo ademptus est erit;
quemve imperator ingnominiae caussa ab exe*r*citu decedere
ius*i*t iuserit; | queive ob caput c(ivis) R(omanei) referundum
pecuniam praemium aliudve quid cepit ceperit; queive cor-
por*e* quaestum | fecit fecerit; queive lanistaturam artemve
ludic*r*am fecit fecerit; queive lenocinium faciet. Quei |
adversus ea in municipio colonia praefectur*a* foro concili-
125 abulo (*in senatu*) decurionibus conscripteisve *f*uerit | senten-

tiamve dixerit, is HS Iↄↄ p(opulo) d(are) d(amnas) esto, eiusque pecuniae quei volet petitio esto. |

(28) Quae municipia coloniae praefecturae c(ivium) R(omanorum) in Italia sunt erunt, quei in eis municipieis coloneis | praefectureis maximum mag(istratum) maxim*a*mve potestatem ibei habebit, tum, cum censor aliusve | quis mag(istratus) Romae populi censum aget, is diebus LX proxumeis, quibus sciet Romae c*e*nsum populi | agi, omnium municipium colonorum suorum queique eius praefecturae erunt, q(uei) c(ives) R(omanei) erunt, censum | ag*i*to, eorumque nomina praenomina, patres aut patronos, tribus, cognomina, et quot annos | quisque eorum habet, et rationem pecuniae, ex formula census, quae Romae ab eo, qui tum censum | populi acturus erit, proposita erit, a*b* ieis iurat*ei*s accipito ; eaque omnia in tabulas publicas sui | municipi referunda curato, eosque libros per legatos, quos maior pars decurionum conscriptorum | ad eam rem legarei mittei censuerint tum, cum e*a* res consuleretur, ad eos, quei Romae c*e*nsum agent, | mittito ; curatoque, utei, quom amplius dies LX reliquei erunt, antequam diem ei, queiquomque Romae | censum age*t*, finem populi ce*n*sendi faciant, eos adea*nt* librosque eius | municipi coloniae praefecturae | edant ; isque censor, seive quis alius mag(istratus) censum populi aget, diebus V proxumeis, quibus legatei eius | municipi coloniae praefecturae adierint, eos libros census, quei ab ieis legateis dabuntur, accipito | s(ine) d(olo) m(alo), exque ieis libreis, quae ibei scripta erunt, in tabulas publicas referunda curato, easque tabulas | eodem loco, ubei ceterae tabulae publicae erunt, in quibus census populi perscriptus erit, condenda*s* curato.— |

(29) Qui pluribus in municipieis coloneis praefectureis domicilium habebit, et is Romae census erit, quo magis | in municipio colonia praefectura h. l. censeatur, e(ius) h. l. n(ihil) r(ogatur).— |

(30) Quei lege pl(ebei)ve sc(ito) permissus est *f*uit, utei leges in municipio fundano municipibusve eius municipi daret, | sei qui*d* is post h. l. r(og.) in eo anno proxumo, quo h. l. populus iuserit, ad eas leges (*addiderit commutaverit*

conrexerit,) municip*i*s fundanos | item teneto, utei oporteret, sei ea*e* res ab eo tum, quom primum leges eis municipibus lege pl(ebei)ve sc(ito) dedit, | ad eas leges additae commutatae conrectae essent; neve quis interced*i*to neve quid facito, quo minus | ea rata sint, quove minus municipis fundanos tenea*n*t eisque optemperetur.— |

PARS SECVNDA.

TITULI CONSULARES, CERTAEQUE AETATIS RELIQUI.

C. 1503, add. p. 556. P. L. Supp. I. Ara magna Romae nuperrime reperta ad S. Laurentii, nunc in Mus. Cap.

in latere | H E R C O ⅃ E I | in latere
⅃ · I · XXVI S A C R O M
M · MINVCI · C · F
DICTATOR · VOV | IT u.c. 537, a.C. 217.

C. 530. Hodie non reperitur.

M · C⅃AVDIVS · M · F
CONSO⅃ circ. u.c. 543, a.C. 211.
HINNAD · CEΓIT

C. 531. P.M. L.A. Basis reperta ad portam Capenam: nunc Neapoli in Mus. Borb.

M A R T E I
M · C⅃AVDIVS · M · *F*
CONSO⅃ · DED*IT* circ. u.c. 543, a.C. 211.

C. 532. P.M. II.K. Tessera hospitalis Fundana in pisce aereo: extat adhuc.

*conscr*IPTES · COSE · T · F/ . . . . . *praifecti*
*et p*RAIFECTVRA · TOT*a Fundi hospitium*
FECERE · QVOM · TI C*laudio*?
*i*N · EIVS · FIDEM · OM*nes nos tradimus et*
COVENVMIS · CO*optamus eum patronum*
inter u.c. 532 et 602. M·C⅃AVDIO·M·F· . . . . *cos*

C. 533. Prope Thusam in maceriis veteris Halesae (hodie non repertus ?). ITALICEI

L · CORNELIVM · SC*ipione*M u.c. 561 ?

HONORIS · CAVSSA

C. 535. P.M. XLVIII.A. Columna miliaria *ad Castel S. Pietro*, prius in via Aemilia.

M · AEMILIVS · M·F · M N u.c. 567 = a.C. 187.

LEPIDVS · COS

CCL · XIIX XV

C. 539. P.M. XLIII.F. In capite columnae, Lunae repertae.

M · CLAVDIVS · M · F · MARCELVS u.c. 599=a.C. 155.

CONSOL . ITERVM

TITULI MUMMIANI.

C. 541. P.M. LI.A. Inventus in Monte Caelio, 1786, hodie extat in Museo Vaticano. Triumphavit Mummius, U.C. 609 = A.C. 145.

L·MVMMI·L·F·CoS·DVcT
AVSPICIO · IMPERIOQVE
EIVS · ACHAIA · CAPT · CORINTO
DELETO · ROMAM · REDIEIT
TRIVMPHANS · OB · HASCE
RES · BENE · GESTAS · QVOD
IN · BELLO · VOVERAT
HANC · AEDEM · ET · SIGNV
HERCVLIS · VICTORIS
IMPERATOR · DEDICAT

C. 542. Reate descripsit Pomponius Laetus: hodie non extat.

SANCTE
DE · DECVMA · VICTOR · TIBEI · LVCIVS · MVMMIVS · DONVM
MORIBVS · ANTIQVEIS · PRO · VSVRA · HOC · DARE · SESE
VISVM · ANIMO · SVO · PERFECIT · TVA · PACE · ROGANS · TE
COGENDEI · DISSOLVENDEI · TV · VT · FACILIA · FAXSEIS
PERFICIAS · DECVMAM · VT · FACIAT · VERAE · RATIONIS
PROQVE · HOC · ATQVE · ALIEIS · DONEIS · DES · DIGNA · MERENTI

C. 550. P.M. LIV.*a*. Miliarium Popilianum, prope Hadriam ad Padum.

P · POPILLIVS · C · F
COS u.c. 622 = a.C. 132.
⊥XXXI.

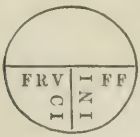
C. 551. P.M. LI.B. Miliarium Popilianum, extat in caupona Pollae in valle Tegianensi (*val di Diana*) in Lucania.

P. Popilius. C. f. cos. u.c. 622 = a.C. 132.

VIAM · FECEI · AB · REGIO · AD · CAPVAM · ET
IN · EA · VIA · PONTEIS · OMNEIS · MILIARIOS
TABELARIOSQVE · POSEIVEI · HINCE · SVNT
NOVCERIAM · MEILIA · ⊥I · CAPVAM · XXCIIII
MVRANVM · ⊥XXIIII · COSENTIAM · CXXIII
VALENTIAM · C⊥XXX/ · AD · FRETVM · AD
STATVAM · CCXXXI/ · REGIVM · CCXXXVII
SVMA · AF · CAPVA · REGIVM · MEILIA · CCC
ET · EIDEM · PRAETOR · IN |XXI/ (*sic*)
SICILIA · FVGITEIVOS · ITALICORVM
CONQVAESIVEI · REDIDEIQVE
HOMINES · DCCCCXVII · EIDEMQVE
PRIMVS · FECEI · VT · DE · AGRO · POPLICO
ARATORIBVS · CEDERENT · PAASTORES
FORVM · AEDISQVE · POPLICAS · HEIC · FECEI

C. 554. P.M. LV. *cab.* Terminus Gracchanus, rep. in agro Aeclanensi, extat in aedibus Santolianis pertinet ad ann. 624/5= a.C. 130/129.

In vertice columnae.



In columnae latere.

M · FOLVIVS · M · F · *fl*AC
C · SEMPRONIVS · TI · F · GRAC
C · PAPERIVS · C · F · CARB
III VIRE · A · I · A

i.e. *a(gris) i(udicandis) a(dsignandis)* vel *a(dtribuendis)*.

C. 556. P.M. LV.E. Extat ibidem: in vertice columnae.



i.e. *f(undus) p(ossessoris) vet(eris)*.

C. 565. P.M. LXIII.A. Unus ex titulis magistrorum pagorum Campanorum. Capuae olim, hodie Neapoli. V.C. 646 = A.C. 108.

N · PVMIDIVS · Q · F	M · RAECIVS · Q · *F*
M · COTTIVS · M · F	N · ARRIVS · M · F
M · EPPILIVS · M · F	L · HEIOLEIVS · P · F
C · ANTRACIVS · C · F	C · TVCCIVS · C · F
L · SEMPRONIVS · L · F	Q · VIBIVS · M · F
P · CICEREIVS · C F	M · VALERIVS · L · FƧM

HEISCE · MAGISTREIS · VENERVS · IOVIAE · MVRV
AEDIFICANDVM · COIRAVERVNT · PED · CCↆXX ET
LOIDOS · FECERVNT · SER · SVLPICIO · M · AVRELIO · COF (*sic*)

LEX PARIETI FACIENDO (*Puteolis*).

C. 577. P.M. LXVI. Tabula marmorea lata ped. 4½, alta p. 2. Pertinet ad annum 649 = A.C. 105, sed aetate imperatoria titulus incisus videtur. Extat in Mus. Neapolitano.

I. Ab colonia deducta anno XC, | N. Fufidio N. f. M. Pullio duo vir(eis)|, P. Rutilio Cn. Mallio cos. | operum lex II.

Lex parieti faciendo in area, quae est ante | aedem Serapi trans viam. Qui redemerit | praedes dato praediaque subsignato | duumvirum arbitratu. |

In area trans viam paries qui est propter | viam, in eo pariete medio ostiei lumen | aperito; latum p(edes) VI, altum p. VII facito. Ex eo | pariete antas duas ad mare vorsum proicito|, longas p. II, crassas p. I. In super [id] limen | robustum long. p. VIII, latum p. I :·, altum p(edis) s(emissem) :· | inponito. Insuper id et antas mutulos robustos | II crassos s: altos p. I, proicito extra pariete | in utramq(ue) partem p. IV. Insuper simas pictas | ferro offigito. In super mutulos trabiculas | abiegineas II

II. crassas quoque versus s, inpon*i*to || ferroque figito. Inasserato asseribus abiegnieis | sectilibus crasseis quoque versus ::; disponito ni plus s :· | operculaque abiegnea inponito. Ex tigno pedario | facito. Antepagmenta abiegnea lata s :· crassa ε, | cumatiumque inponito ferroque plano figito|, portula*m*que tegito tegularum ordinibus

seneis | quoque versus. Tegulas primores omnes in ante|pagmento ferro figito marginemque inponito. | Eisdem fores clatratas II cum postibus aesculineis | facito statuito occludito picatoque ita utei ad aedem | Honorus facta sunt. Eisdem maceria extrema paries | qui est, eum parietem cum margine altum facito, p. X. | Eisdem ostium, introitu in area quod nunc est, et | fenestras quae in pariete propter eam aream sunt | parietem opstruito; et parieti, qui nunc est propter | viam, marginem perpetuom inpon*i*to. Eosq. parietes | marginesque omnes quae lita non erunt calce | harenato lita politaque et calce uda dealbata recte | facito. Quod opus structile fiet, in te*r*ra calcis | restinctai partem quartam indito. Nive maiorem | caementa*m* struito, quam quae caementa arda | pendat p(ondo) XV, nive angolaria*m* altiorem : : ε facito.||

III. Locumque purum pro eo opere reddito. | Eidem sacella aras signaque, quae in | campo sunt, quae demonstrata erunt, | ea omnia tollito deferto componito, | statuitoque ubei locus demonstratus | erit duumvirum arbitratu. |

Hoc opus omne facito arbitratu duovir(um) | et duovira*l*ium, qui in consilio esse | solent Puteoleis dum ni minus viginti | adsient cum ea res consuletur. Quod | eorum viginti iurati probaverint, probum | esto; quod ieis inprobarint, inprobum esto. | Dies operis: k. Novembr(ibus) primeis. Dies pequn(iae): | pars dimidia dabitur ubi praedia satis | subsignata erunt; altera pars dimidia solvetur | opere effecto probatoque.

C. Blossius Q. f. | HS ∞ D. Idem praes.
Q. Fuficius Q. f. |
Cn. Tetteius Q. f.
C. Granius C. f.
Ti. Crassicius. |

C. 585. Hodie non extat: pertinet ad a. 672/5 = A.C. 82/79, et in statuae basi olim fuit.

l · CORNELIO · L · F
SVLLAE · FE*e*LEICI
DICTATORI
LIBERTINI

C. 591. P.M. LXIX.C. 'Rep. Romae sub Capitolio a. 1845 et Caninae iussu affixa in tabulario quod dicitur, eo quo ei olim videbatur stetisse loco; antiquo tempore vero collocata fuit non in aerario Saturni, sed in aliqua parte aedis Iovis O. M. a Catulo refectae.'

q lu|TATIVS · Q · F · Q · N · C|*atulus cos* v.c. 676–694
de s|EN · SENT · FACIVNDV|*m coeravit* = A.C. 78–60.
EIDEMQVE · *p*ROB|*avit*

C. 592. Ex exemplis duobus antiquis Signorili et Poggii. Inventus in fundamentis Capitolii.

Q. LVTATIVS · Q · F · Q · *n* · CATVLVS · COS u.c. 676–694
SVBSTRVCTIONEM · ET · TABVLARIVM = A.C. 78–60.
DE · S · S · FACIVNDVM · COERAVIT
*ei*DEMQVE · PRO*bavit*

C. 593. P.M. LXXI.A. Lapis rep. c. 1769 Romae in Monte Caelio Palatinum versus: adservatur in Museo Tolosano. Tribuni plebis sunt a. 683 = A.C. 71.

L. V . . . . . . *trib. pleb.*
CVR · V*IAR*
E · LEGE · VISELLIA · DE · CONL · SEN|*t*
CN. CORNELI · Q · MARCI · L · HOSTIL|*i*
C · ANTONI · C · FV*NDA*NI · C · POPIL*I*
M · VALERI · C · *ANTI* · *Q* · CAECILI
OPVS · CONSTA*T* · *N* · ↀↀ ↁ⊥XXII

C. 599. P.M. LXXXVI.A. In lapide prope Mutinam.

C · ANTONI · M · TVLI · COS u.c. 691 = a.C. 63.

C. 603. P.M. LXXXII, Orell. 2488. LEGES AEDIS IOVIS LIBERI FURFONE. Titulus Furfone rep. nunc. Aquilae. Templum dedicatum, v.c. 696 = A.C. 58.

L · Aienvs L · f · Q · Baebativs Sex · f · aedem dedicarunt | Iovis liberi Furfone a. d. III idus Quinctileis L. Pisone A. Gabinio cos., mense Flusare, | comula teis olleis legibus illeis regionibus. Utei extremae undae quae lapide | facta

3. 'comula-teis' *lapis* 'commutateis' *coni. Mommsen*; 'comulateis = cumulatis,' *Jordan*; *vide adnotata.*

'Extrema *f*unda*menta*que,' *Mommsen*; 'utei extremae undeque,' *Jordan*; extrema undique,' *Lanzi*; 'undequaque,' *Huschke.*

hoiusque aedis ergo, utei que adeam aede scalas quelapidestrauctuendo columnae stant citra scalas ad aedem versus, stipites que aedis hu*i*us tabula|menta que, utei tangere sarcire tegere devehere defigere mandare ferro oeti | promovere referre fas que esto. Sei quod ad eam aedem donum datum donatum dedicatum | que erit utei liceat oeti venum dare. Ubei venum datum erit id profanum esto. Venditio | locatio, aedilis esto, quem quom que veicus Furfens. fecerint, quod se sentiunt eam rem | sine scelere sine piaculo, alis ne potesto. Quae pequnia recepta erit, ea pequnia emere | conducere locare dare, quo id Templum melius honestius seit, liceto. Quae pequnia adeas | res data erit, profana esto, quod d(olo) m(alo) non erit factum. Quod emptum erit aere aut argento, | ea pequnia, quae ad id Templum datum erit, quod emptum erit eis rebus eadem | lex esto quasei sei dedicatum sit. Sei quei heic sacrum surupuerit aedilis multatio | esto quanti volet, idque veicus Furf. m*ai*(or) *p*ars fifeltares, sei apsolvere volent sive condemnare | liceto. Sei quei ad huc Templum rem deivinam fecerit Iovi libero aut Iovis genio, pelleis | coria fanei sunto.

C. 615. P.M. LXXXVI.C. V.C. 702=A.C. 52, in magna basi Auximi, hodie ibi in curia.

cn · *p*OMPEIO · CN · *fil.*
*ma*GNO · IMP · COS · TER*t*
*pa*TRONO · PUBLICE.

C. 620. P.M. LXXXV.C. V.C. 706 aut 708 = A.C. 48 aut 46. Boviani.

c · *iul*IO · CAESARI · IM*per*
DICTAT · ITERV*m*
*pont*VFICI MAX*umo*
aug · COS · PATRONO · MV*nic*
D · C

---

4. 'aede*m* scala*s* lapide struct*as quaeque* | columnae,' *Mommsen*; 'lapide structa endo,' *Jordan*; 'aedis hu*i*us,' *Mommsen*; 'humus' *lapis*.
6. 'mandare,' *corruptum* 'mundare,' *Orelli*; 'emendare,' *Huschke*.
7. '*liceat* fasque esto,' *Mommsen*; '*ius*,' *Jordan*.
9. 'sentiunt' *lapis*, *Jordan*; 'sentiat,' *Mommsen*.
10. 'piaculo *vendere locare*,' *Mommsen*.
13. 'ad id Templum' *lapis*, *Jordan*; 'ad id *eme*n*d*um,' *Mommsen*.
15. 'm*ai*(or) *p*ars,' *Giovenazzi*; 'fifeltares' *desperatum*.

Q

C. 626. P.M. LXXXV.D. V.C. 711(?). Romae in Mus. Vatic.

DIVO · IVLIO · IVSSV
POPVLI · ROMANI
STATVTVM · EST · LEGE
RVFRENA

GLANDES

C. 642. P.M. VIII.I. Glans Hennensis. V.C. 621 = A.C. 133.

L · PISO · L · F) (COS.

C. 644–680. P.M. VIII. Glandes Asculanae. V.C. 664, 665 = A.C. 90, 89. Pleraeque prope flumen Truentum repertae.

644. ROMA.

645. ITAL(*ia*) vel ITAL(*ici*).

646. SER VI) (SITSIREP.

647. FVGITIVI PERISTIS.

648. TREPI(*date*)?

649. FERI.

650. FERI) (POMP i.e. *Pomp*(*eium*)? vel *Roma*(*nos*)?

651. FERI · PIC(*entes*)?

652. FIR = *Fir*(*mo missa*)?

654. GAL(*lorum*)) (fulmen.

655. L(*egio*) · GAL

656. L II ITAL.

657. LEGIO) (QVAR

658. L VI VOL(*onum*).

661. L · XV.

663. LEG. XX.

C. 681. Glans Mundensis. V.C. 709 = A.C. 45.

CN · MAG) (IMP.

C. 682–705. Glandes Perusinae. V.C. 713/4 = A.C. 41/40. Quibus annis L. Antonius cum Marci uxore Fulvia ab exercitu Octaviani obsessus est. Pleraeque sunt Caesarianorum.

682. PET) (CVLVM / OCTAVIAI *pet*(*e*) *culum Octavia*(*ni*) vel *Octavi*.

685. L ANTONI CALVI PERISTI) (C · CAESARVS VICTORIA

686. MAR VLT)(fulmen.

689. Q · SAL IM)(fulmen alatum.

692. ESVREIS ET ME CELAS

697. L · XI DIVOM)(fulmen. IVLIVM

701. L · MENIVS PR · L · XII)(X · MILLIA.

L. Maenius Pr(imipilus) L(egionis) XII — *X millia (s. c. glandium fudit).*

TESSERAE GLADIATORIAE, ETC.

C. 717–776 *b*. Add. p. 560 n. 1537. Ritschl. P.M. III. P. L. E. Supp. I, IV_1 Huebner, Neue Gladiatorentesseren, Berl. 1868.

Tesserae in quatuor lateribus scriptae.

C. 717. v.c. 669. In Museo Brit. tessera ossea.

COCERO
FAFINI
SP · A · D · III · N · OC
L · CIN · CN · PA

C. add. p. 560. P.M. XCVII. v.c. 678. Tessera aerea.

D IVNIVS
HERMETVS
SPECT K · MAR
M LEPID Q CAT

C. 724. v.c. 685. In Museo Parisino, ossea.

AESCINVS
AXSI
SΠ · A · D · VII · K · A
Q · HOR · Q · MET.

C. 736. v.c. 708. 'Romae apud Fr. Gothofredum,' Rein. Gud.

PAMPHILVS
SERVILI · M · S
SPE · K · FEB
C · CAES · M · LEP.

C. 747. v.c. 747. Liverpoolii in Museo Hertziano.

SERVILIVS
CLEMES
SP K IAN
TI · CLAV · CN · PISON

C. 755. v.c. 759 = p. c. 6.

PRIMVS
SOCIORVM
SP · XIV · KAL · DEC
M · LEP · L · NON

C. 776*a*. Cp. Huebn. l. c. p. 752. Ex MS. Lanthelmi Romieu Arelatensis a. 1574, servato hodie Lugd. Bat., p. 88. Tessera Arelatensis ossea. v. c. 691 = a. C. 63.

MENSE · FEBR · M · TVL · C · AIT · COS · AICHIAL · SIRTI · L · S · SPECTAT · MVN

lege: Anchial(us) Sirti(us) L(uci) S(ervus) spectat(us) mun(ere) mense Febr(uario) M. Tul(io) C. Ant(onio) cos.

Huebner, p. 762. Ritschl. Rhein. Mus. XXI. p. 469. In Mus. Brit.

PROTEMVS · FALERI
SPECTAVIT
N · S

N(onis) S(extilibus) vel S(eptembribus).

C. p. 200*b*. Tessera a Mommseno falsa iudicata.

ΓILOMVSVS · ΓERELI ·
SΓECTAVIT.
tridens
palma iacens

Ibid. *c*. Guasco, Mus. Cap. II. 67. A Mommseno suspecta.

DIOCLES · VECILI
SPECTAVIT
A · D · V · K · FEBR
quartum latus vacuum.

C. II. (*Hispan.*) 4963, 1. Huebner, l. c. p. 747 sqq. Tessera aerea Andalusiaca, in ripa fl. dicti *Rio Tinto*, inter *Niebla* et *Moguer* reperta. Pertinet fortasse ad annum 27 p. Chr. M. Licinio Crasso et L. Calpurnio Pisone cos.

O O
CELER · ERBVTI · F · LIMICVS ·
BOREA · CANTIBEDONIESI
MVNERIS · TESERA · DEDIT ·
ANNO · M · LI CINIO · COS ·
O O

Celer Erbuti f(ilius) Limicus Borea(e?) Cantibedonie(n)si muneris tesera(m) dedit anno M. Licinio cos.

Eph. Epigr. I. p. 45, ad C. I. L. vol. II. Hermes, vol. v, p. 371 sqq. Tessera hospitalis, in lamella aenea longa m. 0.10 alta vix 0.06, reperta in pago *Frechilla* dicto in oppido *Parades de Nava* prope Pallantiam Arevacorum. Pertinet ad ann. 752, ante Chr. 2.

IIII · NON · MART O
IMP · CAESARE · XIII · COS · ACCES LIC IR
NI · INTERCATIENSIS · TESSERAM
O HOSPITALEM · FECIT . CVM · CI
VITATE · PALANTINA · SIBOI
ETOFILIIS · SVIS · POSTERISQVE O
ANENI · AMMEDI · PER · MAG
FLAISICVM · HOSPITIO · AMMI
O CAENECENI
ᐸII

A tergo inter duo foramina, v. 5, ˥K'.

IV Non(as) Mart(ias) | imp(eratore) Caesare XIII cos., Acces Licir|ni Intercatiensis tesseram | hospitalem fecit cum ci|vitate Palantina sib[e]i | et filiis suis posterisque|. Aneni Ammedi per mag(istratum) Flaisicum hospitio Ammi | Caeneceni . . . .

C. VII. (*Britann.*) 1262. Huebner, l. c. p. 766. In vico dicto *Marketstreet* in *Caddington parish* in com. Bedford reperta: hodie latet. Tessera aerea, tenuis, duobus lateribus scripta.

ansa TES · DEI · MAR | SEDIARVM ansa

Pars Tertia.

TITULI RELIQUI, AETATIS MINUS CERTAE

SECUNDUM ORDINEM GEOGRAPHICUM DISTRIBUTI.

Roma.

C. 807. P.M. LVI.F. Ara quadrata ex lap. Alb. Bovillis rep. Extat Romae in hortis Colonnarum Quirinalibus.

VEDIOVEI · PATREI || VED*iovei* I*u*L*e*I AARA || LEEGE · ALBANA · DICATA
GENTEILES · IVLIEI

C. 814. 'In lapide rudi terminali oblongo,' .. trans Tiberim reperto: hodie non extat. 'Corniscarum Divarum locus erat trans Tiberim cornicibus dicatus, quod in Junonis tutela esse putabatur.' Fest. Ep. p. 64.

DEVAS
CoRNISCAS
SACRVM

TABULAE DEVOTIONIS VEL DIRARUM.

C. 818. P.M. XVII. 30. 'Lamina plumbea olim duplicata rep. D pedes fere a Roma ad sinistram viae Latinae in vinea Manenti inter sepulcra, extat in Mus. Kircheriano,' M.

Quomodo mortuos qui istic
sepultus est nec loqui
nec sermonare potest, seic
Rhodine apud M. Licinium
Faustum mortua sit, nec
loqui nec sermonare possit.
Ita uti mortuos nec ad deos
nec ad homines acceptus est,
Seic Rhodine aput M. Licinium
accepta sit et tantum valeat
quantum ille mortuos quei
istic sepultus est. Dite pater
Rhodi | ne(*n*)
tibei commendo uti semper
odio sit M. Licinio Fausto.
Item M. Hedium Amphionem.
Item C. Popillium Apollonium.
Item Vennonia(m) Hermiona(m).
Item Sergia(m) Glycinna(m).

C. 819. 'Lamina plumbea olim in volumen complicata filoque ferreo clausa rep. extra p. Latinam in vinea Aquariorum.'

DANAII · ANCILLA · NOICIA	i. e. Danae(n) ancilla(m) no(v)icia(m)
CAPITONIS · "ANC OSTIAM	Capitonis hanc (h)ostiam
ACCIIPTAM · HABEAS	acceptam habeas
IIT · CONSVMAS · DANAII	et consumas Danaene.
NII HABES II^VTYCHIAM	Habes Eutychiam
SOTERICHI · VXORIIM	Soterichi uxorem.

C. 820. Lamina similis aerea rep. Cumis in sepulcro, nunc Neap. in Mus. pub.

NOMEN · DELATVM
NAEVIAE · L · L
SECVNDAE · SEIVE
EA · ALIO · NOMINI
EST

Hermes, IV. p. 282 sq. ed. Mommsen. *Tabula devotionis Aretina:* lamina plumbea rep. 1869 in fonte medicinali ad *Poggio Bagnoli* prope Aretium.

Q. Letinium Lupum qui et vocatur Caucadio, qui est fil*ius* Sallusties *Ven*eries sive Ven*e*rioses: hunc ego aput vostrum || numen demando devoveo desacrificio, uti vos aqu^ae ferventes si*ve* v*o*s Nimfas *s*ive quo alio nomine voltis adpell*a*ri, uti vos illum interematis interficiates intra annum itusm.

Ultimum verbum dubium est. M. conj. dubitans *i*(*ta*) *v*(*ota*) *s*(*olvam*) *m*(*eritis*). Gamurini pro *istum* habet. Ego *itus M*(*artias*) v. *M*(*aias*).

C. II. (*Hispan.*) 462. Emeritae, in tab. marmorea. Dea Ataecina Turi brig(ensis) Proserpina | per tuam maiestatem | te rogo oro obsecro | uti vindices quot mihi | furti factum est; quisquis | mihi imudavit involavit | minusve fecit eas *res* q(uae) i(nfra) s(criptae) s(unt) tunicas VIIII *p*aenula lintea II in*dus*ium, cu|ius . . . . ignoro, [eum tu pessimo leto adficias ?]

C. VII. (*Britann.*) 140. Ad fanum dei Nodentis (*Lydney Park, Gloucestershire*). Lamella stannea (Lyson's Reliq. Brit. Rom. 2 tab. 32, 9). Litterae possunt esse saeculi post Chr. primi.

Devo | Nodenti . Silulanus | anilum perdedit; | demediam partem | donavit Nodenti. | Inter quibus (*sc. furibus*) nomen | Seniciani: nollis | permittas sanita|tem, donec perferat | usque templum No|dentis.

['Ita fere videtur intelligenda: Silvanus divo Nodenti dimidiam partem pretii anuli perditi sic donavit, ut ad fures detegendos anulumque recuperandum sibi praesto esset. Putat inter fures *nomen Seniciani* esse: ei (deum iam adloquitur) noli sanitatem permittere donec anulum perferat ad templum.'—HUEBNER.]

OLLAE EX VINEA S. CAESARII.

C. 822–1005. P.M. XV. Tituli 178 vasculorum sepulchralium, priori parti saec. VII. V.C. adsignandi. Pauci hodie extant. Dies significatur quo defuncti ossa lecta sunt.

831. ALFENO$\overset{?}{\text{S}}$ · LVCI — Alfenos Luci(us)
A · D · XII · C · NOEM — a · d · XII c(al). Noem(bres).

832. L · ANAVIS · L · F
EIDIBVS · SEX

842. Q. CAECILIS
A · D · VII · IDVS NO

844. L · KAI · LI · — L. Kaili(us)
A · D · III EIDVS DEKEM — a. d. III eidus Dekem(bres).

850. L · CANTVLIVS · MAMERTI
FECIT.

868. FELIX · PETIC · SP K FEB — Felix Petic(i) s(e)p(ultus?) k. Feb.
M · CAES · GALIVS — M. Caes(onius) Gal[l]us.

892. LICNIA
A · D · K · MARTIAS
VIII

916. MVNIAE
A D VII K DIICE

942. PROTARCVS · P · K F — Protarcus p(ridie) k(al.) F(eb.)
PVB — pub(licus).

952. PAVLLAE · SALVIAE

970. TVRRANIA · A · D · VII · EID
INTERK — i. e. interk(alares).

981. PORTVNALIA — i.e. XVI k. Sept.
MARTA PLOTICA

TITULI ALII SEPULCRALES ROMANI.

C. 1006. P.M. LXIX.D. Romae rep. in Via Appia. Litterae saeculi fere septimi vel aetatis Sullanae. Versus Saturnii sunt satis commodi, et facile distinguendi.

HOC · EST · FACTVM · MONVMENTVM
MAARCO · CAICILIO
HOSPES · GRATVM · EST · QVOM · APVD
MEAS · RESTITISTEI · SEEDES
BENE · REM · GERAS · ET · VALEAS
DORMIAS · SINE · QVRA

Hoc ést factúm monuméntum Maárco Cáicílio.
Hospés gratum ést quom apúd meas réstitístei seédes.
Bene rém gerás et váleas dórmiás sine qúra.

C. 1007. 'Romae in capite pontis S. Bartholomaei sive Iudaeorum:' hodie non extat.

HOSPES · QVOD · DEICO · PAVLLVM · EST · ASTA · AC · PELLIGE
HEIC EST · SEPVLCRVM · HAV · PVLCRVM · PVLCRAI · FEMINAE
NOMEN · PARENTES · NOMINARVNT · CLAVDIAM
SVOM · MAREITVM · CORDE · DILEXIT · SOVO
GNATOS · DVOS · CREAVIT · HORVNC · ALTERVM
IN · TERRA · LINQVIT · ALIVM · SVB · TERRA · LOCAT
SERMONE · LEPIDO · TVM · AVTEM · INCESSV · COMMODO
DOMVM · SERVAVIT · LANAM · FECIT · DIXI · ABEI

C. 1008. *Epitaphium Protes* secundum Hauptium emendatum. Extabat olim in insula Tiberina.

*Heic est sep*ul*t*a Quincti Ranci feilia
*Quincti lei*berti, Prot*e*, quoi fatum grave
crudeles Parcae ac finem vitae statuerunt
*vixquom es*set bis decem anneis nata, indigniter.
*Nam quo*d concepit leiberum semen duplex
quom iam patrono pareret, auxsilium et decus
*futurum ad cun*cta commoda atque incommoda
inmitis mors eripuit sueis parentibus.

C. 1008. 2. PROTI *lapis*. 6. PARERET PATRONO.

*Nunc illi s*ummo in luctu ac sollicitudine
*prae deside*rio gnatae fletus in dies
edunt sibei esse talem ereptam filiam.
'Pater mei et genetrix germana oro atque *obsecro*
'desinite luctu questu lacrumas fundere:
'sei in vita iucunda *ac* voluptatei fuei
'*vobeis* viro atque ameiceis noteisque omnibus,
'nunc quoniam fatum se ita tolit animo vo*lo*
'aequo vos ferre concordesque vivere.'
Quas ob res hoc monumentum aedificavit *pater*
gnatae, sib*i*que et uxori hanc constituit *domum*
aeternam ubei omnes pariter aevom degere*nt*.

C. 1009. P.M. LXXXI. Hodie in villa Altieria: aetate Ciceroniana vel Augusta incipiente.

EVCHARIS · LICINIA*E* · *L*

DOCTA · ERODITA · OMNES · ARTES · VIRGO · VIX*IT* · *AN* · *XIIII*

Heus oculo errante quei aspicis le´ti domu*s*
morare gressum et titulum nostrum perlege,
amor parenteis quem dedit natae suae
ubei se reliquiae conlocarent corporis.
Heic viridis aetas cum floreret artibus
crescente et aevo gloriam conscenderet
properavit ho´ra tristis fatalis mea
et denegavit ultra veitae spiritum.
Docta erodita paene Musarum manu,
quae modo nobilium ludos decoravi choro,
et Graeca in scaena prima populo apparui,
en hoc in tumulo cinerem nostri corporis
infistae Parcae deposierunt carmine:
studium patronae cura amor laudes decu*s*
silent ambusto corpore et leto tacent.
Reliqui fletum nata genitori meo,
et antecessi, genita post, leti diem.
Bis hic septeni mecum natales dies
tenebris tenentur Ditis aeterna dom*u*.
Rogo ut discedens terram mihi dic*as levem*.

C. 1008. 14, 15. IVCVNDA VOBEIS VOL. F. | VIRO ATQVE cet.
19. SVAE GNATAE SIBEIQVE VXORI.

C. 1010. Romae in villa Pelucchi.

PRIMAE
POMPEIAE
OSSVA · HEIC
FORTVNA SPONDET MVLTA
MVLTIS · PRAESTAT · NEMINI VIVE IN DIES
ET HORAS . NAM PROPRIVM EST NIHIL
SALVIVS ET EROS DANT

C. 1011. 'Effossa ad portam Salariam via vetere Nomentana.' Sirmond. Videtur periisse.

// AVRELIVS · L · L
HERMIA
LANIVS · DE · COLLE
VIMINALE
HAEC · QVAE · ME · FAATO
PRAECESSIT · CORPORE · CASTO
CONIVNXS · VNA · MEO
PRAEDITA · AMANS · ANIMO
FIDO · FIDA · VIRO · VEIXSIT
STVDIO . PARILI · QVM
NVLLA . IN · AVARITIES
CESSIT · AB · OFFICIO

AVRELIA · L · L

vir stans

mulier stans viri dextram utraque manu prehendit

AVRELIA · L · L
PHILEMATIO
VIVA · PHILEMATIVM · SVM
AVRELIA · NOMINITATA
CASTA · PVDENS · VOLGEI
NESCIA · FEIDA · VIRO
VIR · CONLEIBERTVS · FVIT
EIDEM · QVO · CAREO
EHEV
REE · FVIT · EE · VERO · PLVS
SVPERAQVE · PARENS
SEPTEM · ME · NAATAM
ANNORVM · GREMIO
IPSE · RECEPIT · XXXX
ANNOS · NATA · NECIS · POTI
ILLE · MEO · OFFICIO Ɛ OR
ADSIDVO · FLOREBAT · AD · OMNIS

C. 1049. 'Romae in villa Lecce.' Hodie non extat.

P · CRITONIVS · P · F · POLIO
MATER · MEA · MIHE
MONVMENTVM
COERAVIT · QVÆ
ME · DESIDERAT
VEHEMENTER · ME
HEICE · SITVM · IN
MATURE · VALE · SAL
VE

C. 1051. 'Romae in villa Pelucchi.' Hodie non extat.

VLTVMA
SVORVM
CVPĖ INNIA
L · F · TERTVLLA
FVVEIT · QVIVS
HEIC
RELLIQVIAE
SVPREMA
MANENT

C. 1059. 'In Museo Sartii quod nuper emit Senatus Romanus.' M.

C · HOSTIVS · C · L · PAMPHILVS
MEDICVS · HOC · MONVMENTVM
EMIT · SIBI · ET · NELPIAE · M · L · HYMNINI
ET · LIBERTEIS · ET · LIBERTABVS · OMNIBVS
POSTEREISQVE · EORVM
HAEC · EST · DOMVS · AETERNA · HIC · EST
FVNDVS · HEIS · SVNT · HORTI · HOC
EST · MONVMENTVM · MEVM
INFRONTE · P · XIII · INAGRVM · P · XXIIII

C. 1064. Romae in villa Pelucchi..

T · LVSCIO · T · L · PARNACENI
LVSCIAE · T · L · MONTANAE
T · ATTIVS · Ɔ · L · AVCTVS · COIVGI
T · LVSCIVS · Ɔ · L · CORVMBVS · PATR
ONAE · PRO · MERITEIS · DANT · VBEI
EORVM · OSSA · QVIESCANT

C. 1086. Rep. in via Nomentana, extat in Mus. Vat.

. . . . . | O · L · L · SCVRRAE · HOMINI
pii | SSVMO · MAXVMAE
probitatis | OPTVMO · LEIBERTO
patronus | FECIT

C. 1090. P.M. XC.H. rep. in via Appia 1851.

l . . . | VS · L · F · POM · LICINVS
?*poll* | A · TEIDIA · SEX · F · VXSOR
. . . . | EIVS · L · F · CAPITO · FILIVS
hoc sep | VLCVRUM · HEREDEM · NON
se | QVETVR

C. 1108. In cippo Tiburtino praegrandi, Romae. Sirmond. MS.

CONLEGEI · SECTO | *rum*
SERRARIVM |

C. 1110. P.M. LXII.A, exemplum genuinum; LXI exemplum falsum prius repertum, quod extat Basileae. In epistylio aediculae in terra Lanuvina.

Q · CAECILIVS · CN · A · Q · FLAMINI · LEIBERTVS · IVNONE · SEISPITEI
MATRI · REGINAE

C. 1113. ‘Parva basis marmorea Tibure in hortis coll. antiqui Soc. Jesu a. 1736 reperta.’

HERCVLEI
C · ANTESTIVS · CN · F
CENS
DECVMA · FACTA · ITERVM
DAT

C. 1119. Tibure in basilica S. Johannis.

L · OCTAVIVS · L · F · CAM · VITVLVS
IIII · VIR · I · D · ITER

C. 1143. P.M. LIII.A. Praeneste rep. c. a. 1800.

M · SAVFEIVS · M · F · RVTILVS · Q
C · SAVFEIVS · C · F · FLACVS
CVLINAM · F · D · S · S · C · EISDEM
Q · LOCVM · EMERVNT · DE
L · TONDEIO · L · F · PVBLICVM
EST · LONGV · P · CXↆVIIIS
LATVM · AF · MVRO · AD
L · TONDEI · VORSV · P · XVI

C. 1166. P.M. LII.B. Titulus Aletrinas, ‘in porticu templi S. Mariae.’

L · BETILIENVS · L · F · VAARVS
HAEC · QVAE · INFERA · SCRIPTA
SONT · DE · SENATV · SENTENTIA
FACIENDA · COIRAVIT · SEMITAS
IN · OPPIDO · OMNIS · PORTICVM · QVA
INARCEM · EITVR · CAMPVM · VBEI
LVDVNT · HOROLOGIVM · MACELVM
BASILICAM · CALECANDAM · SEEDES
*la*CVM · BALINEARIVM · LACVM · AD
*p*ORTAM · AQVAM · IN · OPIDVM · ADQV*e*
ARDVOM · PEDES · CCCXↆ · FORNICESQ
FECIT · FISTVLAS · SOLEDAS · FECIT
OB · HASCE · RES · CENSOREM · FECERE · BIS
SENATVS · FILIO · STIPENDIA · MERETA
ESE · IOVSIT · POPVLVSQVE · STATVAM
DONAVIT · CENSORINO

C. 1175. P.M. LII.A. Titulus Soranus: basis quadrata in hortis ecclesiae S. Restitutae, a Brunnio repertus.

M · P · VERTVLEIEIS · C · F ·
QVOD · RE · SVA · D*i*FEIDENS · ASPER*e*
AFLEICTA · PARENS · TIMENS
HEIC · VOVIT · VOTO · HOC
SOLVT*o* · *de*CVMA · FACTA
POLOVCTA LEIBEREIS · LVBE*n*
TES DONV · DANVNT ·
HERCOLEI · MAXSVME ·
MERETO SEMOL · TE
ORANT · SE · *v*OTI · CREBRO
C O N D E M N E S

M(arcus) P(ublius) Vertuleieis C. f(ilieis).
Quod ré suá difeídens ásperé afleícta
paréns timéns heic vóvit, vóto hóc solúto
decumá(m) factá(m) poloúcta(m) leíbereís lubéntes
donú(m) danúnt Hercólei máxsumé méreto.
Semól te oránt se vóti crébro cóndémnes.

C. 1199. P.M. XCIV.A. 'Apud Petrinum Suessanum,' Apian. 'Carinolae in turri camp. eccl. episcopalis,' Pellegrino, Brunn.

L · PAPIVS · L · F · TER · POLLIO · DVO · VIR · L · PAPIO · L · F · FAL · PATRI
MVLSVM · ET · CRV́STVM · COLONIS · SENVISANIS · ET · CAEDICIANEIS
OMNIBVS · MVNVS · GLADIATORIVM · CENAM · COLONIS · SENVISANIS
ET · PÁPIEIS · MONVMENTVM · HS ↓ ∞ ∞ · EX · TESTAMENTO
ARBITRÁTV · L · NOVERCINI · L · F · PVP · PÓLLIÓNIS

lege: Ter(etina) sc. tribu, Fal(erna)
Pup(inia). H.S. duodecim milia.

C. 1200, 1201. P.M. XXXVI.D,E. In duobus lap. tophaceis formae pyramidum inventis prope Capuam, nunc in mus. Neap.

IVNONE
⊢OVCINA
TVSCO⊢ANA
SACRA

pa⊢E
tusco⊢ANA
SACRA

C. 1202. P.M. LXXX.C. In oppido S. Maria de Capua *nel tribunale.*

CN · TARA CIVS CN F
VIXIT A XX · OSSA · EIVS · HIC · SITA · SVNT
EHEV · HEV · TARACEI · VT · ACERBO · ES · DEDITVS · FÁTO · NON · AEVO
EXSACTO·VITAI·ES·TRADITVS·MORTI SED·CVM·TE·DECVIT FLORERE·AETATE
IVENTA · INTERIEISTI · ET LIQVISTI IN MAERORIBVS · MARTEM

C. 1215. P.M. LIX.D. Olim Capuae, nunc in Mus. Neap.

PRIVATVM
PRECARIO
ADEITVR

C. 1220. P.M. LXXIX.B. Olim Beneventi, nunc Neapoli apud Jesuitas.

TV · QVI SECVRA · SPATIARVS MENTE VIATOR
ET · NOSTRI VOLTVS DIRIGIS INFERIEIS ·
SI · QVAERIS QVAE SIM CINIS EN ET TOSTA FAVILLA
ANTE OBITVS TRISTEIS HELVIA PRIMA FVI
CONIVGE SVM CADMO FRVCTA SCRATEIO
CONCORDESQVE PARI VIXIMVS INGENIO
NVNC DATA SVM DITI LONGVM MANSVRA PER AEVM
DEDVCTA ET FATALI IGNE ET AQVA STYGIA

C. 1238. P.M. LXXII.D. Extat Neap. in Mus. inter sacras. Incerta conjectura ad Ischiam revocat Mommsen.

L · RANTIVS · L · F · TRO · LVMPHIEIS i. e. Tro(mentina)
puer hedera coronatus
ΛΕΥΚΙΟΣ ΡΑΝΤΙΟΣ ΛΕΥΚΙΟΥ
ΥΙΟΣ ΝΥΜΦΑΙΣ

C. 1256. P.M. LXXII.C. In agro Volceiano in Lucania, in villa Chrysostomi Columnae: aet. Pompei M.

L · MANNEIVS · Q · MEDIC
VEIVOS · FECIT · ΦΥΣΕΙ ΔΕ
ΜΕΝΕΚΡΑΤΗΣ ΔΗΜΗ
ΤΡΙΟΥ ΤΡΑΛΛΙΑΝΟΣ
ΦΥΣΙΚΟΣ ΟΙΝΟΔΟΤΗΣ
ΖωΝ ΕΠΟΙΗΣΕΝ
MAXSVMA · SADRIA · S · F
BONA · PROBA · FRVGEI · SALVE

C. 1290. Bazzani II m. p. ab Aquila in coemeterio. Cf. no. 542 et 1175 ad quorum exemplum supplevit M.

donum d | EDIT · L · AVFIDI · D
f . . de | CYMA · FACTA
Hercol | I MER · ITERVM
simul | TE · ORAT · TV · ES
sanctus | DEVS · QVEI · TOV
am te | PACEM · PETIT
| ADIOVTA

C. 1297. P.M. XLIX.G. Preturi ad sinistram eccl. S. Petri.

ΓROTOGENES · CLOVL
SVAVEI - HEICEI - SITVST
MIMUS - Γ⊢OVRVMA · QVE
FECIT - ΓOΓV⊢O - SOVEIS
GAVDIA - NVGES ·

C. 1313. P.M. LIX.B. Faleriis in crypta ex saxo vivo.

L · VECILIO · VO · F · ET
POLAE · ABELESE
LECTV · I · DATVS
C · VECILIO · L · F · ET · PLENESE
LECTV · I · AMPLIVS · NIHIL
INVITEIS · L · C · LEVIEIS · L · F
ET · QVEI · EOS · PARENTARET
NE · ANTEPONAT

L. Vecilio Vo(lusi?) f. et Polae Abelese lectu(s) *e*(st?) datus. C. Vecilio L. f. et Plenese lectu(s) *e*(st?). Amplius nihil inviteis L(ucio et) C(aio) Levieis L(uci) f(ilieis), et quei eos (sc. Vecilios) parentaret, ne anteponat.

C. 1346. Arca Clusii in aedibus Paolozzi.

Vl. Alfni Nuvi	C · ALFIVS · A · F
Cainal	CAINNIA · NATVS

C. 1349. Arca rep. Montepulciani 1749. Florentiae in Mus.

(L)arth Canzna	C · CAESIVS · C · F · VARIA
Varnalisla	NAT

C. 1351. Ibidem.

C · PETRONIVS C · F ·
HARISPEX
CRISPINIA · NATVS

C. 1392. P.M. LXXIII.F*a*,*b*. Sarcophagus Perusiae rep. in sep. Volumniorum.

in operculo	Pup. Velimna Au. Cahatial.
in sarcophago	P · VOLVMNIVS · A · F · VIOLENS CAFATIA · NATVS

C. 1418. Sassinae in molendino. Integra dum fuit bis descripta est; fracta etiam nunc superest.

. . . *HORAtius* . . *f* · *BALBus*
MVNICIPIBVS suEIS · INCOLEISQ
LOCA · SEPVLTVRAE · D · S · P · DAT
EXTRA · *AVCTOR*ATEIS · ET
QVEI · *ṢIBEI* · *LAQV*EO · MANVS
ATTVLISSENT · ET · QVEI
QVAESTVM · SPVRCVM
PROFESSI · *ES*SENT · SINGVLEIS
IN · *FRON*TE · P · X · IN · AGRVM · P · X
INTER · *PO*NTEM · SAPIS · ET · TITV
LVM · *S*VPERIOREM · QVI · EST · IN
FINE · *F*VNDI · FANGONIANI
IN · *QVIB*VS · LOCEIS · NEMO · HVMA
TVS · ERIT · QVI · VOLET · SIBEI
*VI*VOVS · MONVMENTVM · FACI
ET · IN · QVIBVS · LOCEIS · HV
MATI · ERVNT · EI · D · T · QVEI
*H*VMATVS · ERIT · POSTEREIS
*QV*E · EIVS · MONVMENTVM
*FIER*I · LICEBIT

C. 1434. Cf. add. p. 267. In Tirolo meridionali prope vicum Lenzimae apud castrum Nemesino. Recognovit Mommsenus. Extat Insbrucki in Ferdinandeo.

M A + V M A	Maxuma
A I M I Ⅼ I A	Aimilia
C · R · A · Ⅼ + T	C(ivis) R(omana) a(nnorum) LXX.

SORTES.

C. 1438–1454. Ritschl, Mus. Rh. xiv. pp. 389–418. Ex codice Vaticano n. 5248 (excepto n. 1448). Rep. ut dicitur *a Bahareno*, forsan *a Barbarano* inter Vicetiam et Patavium in collibus Euganeis, ubi aedes Fortunae fuerat.

1438. Specimen formae sortium huiusmodi.

O | CONRIGI · VIX · TANDEM · QVOD
CVRVOM · EST · FACTVM · REDE

i. e. Cónrigi víx tandém quod cúrvom est fáctum [c]réde.

1439. Crédis quód deicúnt: non súnt ita; né fore stúltu.
1440. De íncertó certá ne fiánt, sí sapis cáveas.
1441. Dé vèró falsá ne fíant, iúdice fálso.
1442. E′st equos pérpulcér; sed tú vehi nón potes ístoc.
1446. Hóstis íncertús de cérto [fít] nisi cáveas.
*1448. Laétus lubéns petító, (quod) dabitúr: gaudébis sémper.
1449. Nón sum[us] méndacís, quas díxti: cónsulis stúlte.
1451. Pérmultís prosúm: ubei prófui grátia(m) némo.
1453. Quód fugis, quód iactás, tibei quód datur, spérnere nólei.
1454. Qúr petis póstempús consílium: quód rogas nón est.

Tituli cum sicilico.

Hübner, Hermes, 1870, vol. 4, p. 413. Saeculi octavi?

LVTATIA · Q · MVM̓IAES · L | IA · VIXIT | ANNOS · XV

Lutatia Q(uinti Lutatii et) Mum̓iaes l(iberta). Ia (εἴα!) vixit annos xv.

C.V. (Gall. Cisalp.) 1361. Hübner, ibid. Aquileiae, aet. lib. r. p.

L · SAFINIVS · L · F }
SABEL′IO }

C. II. (Hispan.) 172. IVSIVRANDVM ARITINENSIVM. Lamina aerea inv. a. 1659 in ruinis veteris Aritii (Ptol. ii. 5, 7) in viculo *Alvéga* iuxta iter Olisipone Emeritam. Hodie non extat. Cf. infra pp. 279, 281 sq.

C. Ummidio Durmio Quadrato | Leg. C. Caesaris Germanici Imp. | Pro.Praet. | Iusiurandum Aritinensium. || Ex mei animi sententia ut ego iis inimicus | ero quos C. Caesari Germanico inimicos esse | cognovero, et si quis periculum ei salutiq. eius | in*f*er*t* in*tul*erit*v*e armis bello internecivo | terra mariq. persequi non desinam quo ad || poenas ei persolverit, neq*u*e liberos meos | eius salute cariores habebo, eosq. qui in | eum hostili animo fuerint mihi hostes esse | ducam. Si sc*ie*ns fa*ll*o fefellerove, tum me | liberosq. meos Iuppiter optimus maximus ac || Divus Augustus ceteriq. omnes Di immortales | expertem patria incolumitate fortunisque | omnibus faxint. *A. d.* v. idus. Mai. in | Aritinense oppido veteri, Cn. Acerronio | Proculo C. Petronio Pontio Nigrino cos. (p. C. 37). || Mag. | Vegeto Tallici . . . . ibio . . . Arioni.

APPENDIX.

INSCRIPTIONES PARIETARIAE POMPEIANAE.

TITULI PICTI.

C. IV. (Pomp.) 64. Cp. add. p. 191. *Via Theatrorum.*

VRNA AENIA PEREIT · DE · TABERNA
SEIQVIS . RETTVLERIT DABVNTVR
H - S · LXV · SEI · FVREM
D A B I T · V N D I / / M
I M VA P . . .

dabitu[r] d[uplu]m [a] Va[rio? *vel* dabit unde [rem] servare [possimus H · S] XX . . . . .

P. 67. *Via Stabiana.* Programmatis usitati specimen.

P · FVR · $\overline{\text{II}}$ · V · B · O · F

Lege: P. Fur(ium) duov(irum) v(irum) b(onum) o(ro) v(os) f(aciatis).

P. 138. Cp. add. p. 193. *Via Consolare.* Locatio.

in INSVLA ARRIANA
POLLIANA *c*N AL*le*I NIGIDI MAI
LOCANTVR EX *k* IVLIS PRIMIS TABERNAE
CVM PERGVLIS SVIS ET C*e*NACVLA
EQVESTRIA ET DOMVS CONDVCTOR
CONVENITO PRIMVM *c*N AL*le*I
NIGIDI MAI SER

P. 222. *Strada di Mercurio.*

P · PAQVIVM · PROCVLVM · II · VIR · VIR$^{V}_{M}$ · B · D · R · *p*
A · VETTIVM · *caprasi*VM · FELICEM · II · VIR · V · B · D · R · P · O^{F} · DIGNI · SVNT · O
Q · MARIVM *rufum* · M · EPIDIVM · SABINVM · AEDILES · V · A · S · P · P · O^{F} · DIGNI · SVNT
S · · SIT . . SIVS · DE · ALBATORE · ONESIMO

P. Paquium Proculum duovir(um) virum b(onum) d(ignum) r(ei) p(ublicae). O(ro) v(os) f(aciatis).

A. Vettium *Caprasi*um Felicem duovir(um) v. b. d. r. p. o. v. f. digni sunt.

Q. Marium *Rufum* M. Epidium Sabinum aediles v(otis) A(ugustalibus) s(acris) p(ublicis) p(rocurandis)? o. v. f. digni sunt.

S[cri]bit *vel* s[crip]sit [Os]sius(?) dealbatore Onesimo.

P. 768. Cp. add. p. 196. *Via Holconii.* Programma candidati.

M · EPIDIVM · SABINVM · D · I · DIC · OF DIG · EST

DEFENSOREM · COLONIAE · EX · SENTENTIA' · SVEDI · CLEMENTIS · SANCTI · IVDICIS

CONSENSV · ORDINIS · OBMERITA · EIVS · ET · PROBITATEM · DIGNVM · REIPVBLICAE · FACIA

*SAB*INVS · DISSIGNATOR · CVM · PLAVSV · FACIT

Lege: l. 1, d(uovirum) i(uri) dic(undo) o(ro) v(os) f(aciatis) dig(nus) est. l. 3, *extrema* faciat(is).

P. 807. Cp. add. p. 196. *Vico del Lupanare.*

HOSPITIVM · HIC · LOCATVR

TRICLINIVM · CVM · TRIBVS · LECTIS

ET · COM i. e. et com(moda).

P. 1136. Cp. add. p. 204. Neapoli in Museo.

IN · PRAEDIS · I*VLIAE* · SP · F · FELICIS

LOCANTVR

BALNEVM · VENERIVM · ET · NONGENTVM · TABERNAE · PERGVLAE

CENÁCVLA · EX · IDIBVS · AVG · PRIMIS · IN · IDVS · AVG · SEXTÁS · ANNÓ*S* · *CO*NTINVO*S* · *Q*VINQVE

S · Q · D · L · E · N · C ·

P. 1173 (vide addenda p. 204, 222). *Loc. inc.* In volumine picto cum instrumento scriptorio: distichon alterum explicatione eget.

Quisquis ama(t) valia(t); peria(t) qui noscit amare;
  Bis tanti peria(t) quisquis amare vota(t).
Felices a[d]ias [perias *vel* perias sed] [M]artia [si]ti
  Vili [de] n[o]bi . . . maxima cura . . a[l]e.

P. 1177. *Edicta munerum edendorum.*

DEDICATIONE (POLT) MAIO PRINCIPI · COLONIAE FELICITER

....RVM · MVNERIS · CN · ALLEI · NIGIDI · MAI

...... VENATIO · ATHLETAE · SPARSIONES · VELA · ERVN

P. 1182. Programma muneris edendi.

MVNERE *n. festi* AMPLIATI · D*i*L · SVMMO

Subsunt nomina singulorum parium cum figuris.

Nomina haec sunt,

1. BEBRYX · IVL · XV · V NOBILIOR · IVL · XIV equites
2. . . . . Ɔ · IVL · XVI IV ME (?IVL M Θ vel IV*l*·XXI) Samnis an murmillo et Threx
3. IVL · XXX · V . . SVS · IVL · XV · M · O Threx et Samnis (an murm.?)
4. HIPPOLYTVS·F·V·V CE ATVS·IVL·VI secutores
5. Sine inscr. retiarii
6. VEPIMVS · IVL · V . . . F . . IVL·XV · M′ Samnis (?) et Threx
7. IVL · IV Samnis? et Threx
8. Sine inscr. Threx et Samnis?

Lege,

1. Bebryx Iul(ianus) xv (pugnarum) v(icit)
   Nobilior Iul(ianus) xiv?
2. . . Iul. xvi? Iul? m(issus) Θ? an Iul. xxi?
4. Hippolytus xv? v(icit). Ce[r]atus Iul. vi.
6. Nedymus? Iul. v. . . p . . Iul. xv. m(issus).

P. 1186. Cp. add. p. 204. Programma muneris edendi.

POMPEIS N · POPIDI

RVFI · FAM · GLAD · *pvg*N · POMPÉIS · VENÁTIO

EX · XII · K · MAI · MALA · *e*T (?) · VELA · ERVNT

O PROCVRATOR

FELICITAS

GRAPHIO INSCRIPTA.

P. 1291. *Strada di Mercurio:* in tabernae conclavi.

servus militi ministrans DA FRIDAM · PVSILLVM miles ait poculum praetendens

P. 1293. In muro ext. aedium *dei Dioscuri.*

CAMPANJ VICTORIA VNA

CVMNVCERINIS PERISTJS

P. 1329. NVCIIRINIS | INFIILICIA.

P. 1393. *Vico del labirinto.* Rerum lavandarum schedula.

K XII · MAIAS · TVN · PAL	xii K(al) Maias tun(icam) pal(lium).
NONIS MAIS FAS ·	Nonis Mais fas(ciam).
VIII · IDVS · MAS	viii idus Ma(ia)s
TVNICAS · II	tunicas ii.

P. 1507. Cp. add. p. 208. P.M. xvi. 1. *Via della Fortuna* (*casa del naviglio*). Servatur in Mus. Neap. Servarum pensa (pesa) indicantur.

VITALIS TRAMA *PIISV*
FLORENTINA PIISA · III
AMARYLLIS PIIS V · TRAMA · IIT · STAMIIN
IANVARIA SVPTII PIISAIII IIT · STA · PIIS DVAS supte(men) pesa
HIIRACLA · P*I*I · SVPTIIMIIN [iii et sta(men) pes(a) dua s(emis)
MARIA P III STAMIIN
LALAGI*I* PIII STAMIIN
IANVARIA PII · TRAMA
FLORIINTINA PIISV TRAMA
DAMALIS TRAMA PIIS*V*
. . . RV*S*A TRAMA PIIS*V*
*BA*P*TIS · PIISV TRAMA
DORIS · PIISV STAMIIN

P. 1520. Cp. add. p. 208. *Vico degli scienziati:* in atrio aedium nunc Neapoli in Museo. Cp. Prop. i. 1, 5 et Ovid, Amor. iii. 11, 35.

CANDIDA ME DOCVIT NIGRAS
ODISSE PVELLAS · ODERO · SEPOTERO · S*I* NON INVITVS
AMABO
SCRIPSIT VENVS · FISICA · POMPEIANA

P. 1527. RVSTICVS EST CORYDOI cp. 1672 CONTICVER et 1841 (*in Basilica*). Quisquis es amissos hin[c iam ob]liviscere Graios. Scribit Narciss. [pu]er. (Verg. Aen. ii. 148).

P. 1545 add. p. 208. O VOBIS NERO POPPEA.

P. 1595. *Via Nolana:* nunc Neap. in Museo. Versus formam serpentis exhibent.

[Ser]pentis lusus si qui sibi forte notavit,
Sepumius iuvenis quos fac(i)t ingenio,
Spectator scaenae sive es studiosus e[q]uorum:
Sic habeas [lanc]es se[mp]er ubiq[ue pares].

P. 1712. *Via degli Augustali.* In sutoris taberna.

PR · IDVS IVLIAS · REFEC|
SCALPRO ANGLAT*O* IIT
SVBLA · NIIRVIARIA

Pr. idus Iulias refeci scalpro ang(u)lato et sub(u)la nerviaria.

In Basilica.

P. 1852. PYRRHVS · CHIO · CONLEGAE · SAL
MOLESTE · FERO · QVOD AVDIVI ·
TE · MORTVOM · ITAQ = VAL

P. 1860. Emendatius dedi ex MS. patris mei.

QVOD · SCRIPSI · SEMEL ET LEGIT MEA IVRE PVELLAST
QVAE PRETIVM · DIXIT NON MEA SED POPVLI · EST

P. 1864. SAMIVS | CORNHLIO | SVSPENDRE i. e. suspendere.

P. 1877. ZETEMA

MVLIER · FEREBAT FILIVM SIMILEM SVI
VIC
NEC MEVS · EST · NEC · MI SIMILAT SED
VELLEM · ESSET MEVS
EGO
ET VOLEBA VT MEVS ESSET

P. 1880.

I. · ISTACIDI · AT QVEM · NON CENO · BARBARVS · ILLE · MIHI · EST

P. 1891. LITTERA THEORIANIS SEMPER DICTVRA SALVTEM ·
NOMINE NVNC DEXTRI TEMPVS IN OMNE MANET

P. 1893, 1894. Versus sunt Ovidii, Amor. i. 8, 77, sq., Prop. v. 5, 47 sq. codd. *dantes* (ut videtur) et *pulset.*

SVRDA · SIT · ORANTI · TVA · IANVA · LAXA · FERENTI
AVDIAT · EXCLVSI · VERBA · RECEPTVS · *a*MANS
IANITOR · AD · DANTIS · VIGILET · SI · PVLSAT · INANIS
SVRDVS · IN · OBDVCTAM · SOMNIET · VSQV*e* SERAM

P. 1895. Versus sunt Ovidii, A. A. i. 475, parce detorti.

QVID POTE TAN · DVRVM SAXSO AVT · QVID MOLLIVS VNDA
DVRA TAMEN MOLLI SAXSA CAVANTVR AQVA

P. 1896.

VBI · PERNA COCTA · EST · SI CONVIVAE APPONTIVR
NON GVSTAT PERNAM' LINGIT · OLLAM · AVT · CACCABVM

P. 1898. QVISQVIS AMAT CALIDIS NON DEBET FONTIBVS VTI
NAM · NEMO · FLAMMAS · VSTVS · AMARE POTEST

P. 1926. EPAPHRA · PILICREPVS · NON · EST

P. 1927. TV · ENIM · ME · DOCES

P. 1928.

SCRIBIINTI · MI · DICTAT · AMOR · MOSTRAT QVII · CVPIDO

. . . PIIRIIAM · SINII · TII · SI · DIIVS · IISSII VIILIM

P. 1936. Cp. add. p. 213.

AMIANTHVS · EPAPHRA · TERTIVS · LVDANT · CVM HEDYSTO

IVCVNDVS · NOLANVS · PETAT·NV*m*ERET · CITVS · ET · STACVS · AMIANTHO

P. 1943. NON · EST · EX · ALBO IV*DEX* · PATRE · AEGYPTIO

P. 1950. Versus Propertiani iv. 16, 13 sq. codd. *Scythicis* et *ut noceat.*

QVISQVIS AMATOR ERIT SCYTHIAE LICET AMBVLET ORIS

NEMO ADEO VT FERIAT BARBARVS ESSE VOLET

P. 1951. SARRA NON BELLE FACIS

SOLVM ME RELINQVIS

DEBILIS . . . .

P. 1982. Cp. add. p. 214. *In Foro.* Verg. Ecl. viii. 70, codd. *Ulixi.*

CARMINIBVS CIRCE SOCIOS MVTAVIT OLYXIS

P. 1989. *Strada delle Scuole*, in aedibus *di Apollo e Coronis.*

HEIC · VIINATIO · PVGNABIIT · V · K · SIIPTIIMBRIIS

IIT · FIILIX · AD · VRSOS · PVGNABIIT

P. 2005 *a.* *Vico del Balcone pensile:* in tabernae pariete.

S A T V R N I N A

IO SATVRNALIA

P. 2013.

NIYCHIIRATII · V|ANA SVCCVLA | QVII AMAS | FIILICIONII | IIT AD PORTA | DIIDVCIIS | ILLVC · | TANTV | IN MIINTII | ABIITO . . . .

Niycherate, vana succula, qu(a)e amas Felicione(m) et ad porta(m) deduces, illuc (i.e. illud) tantu(m) in mente (h)abeto ——.

P. 2069. *Strada di Olconio.*

Moram si quaeres, sparge miliu(m) et collige.

P. 2258 *a.* *Vico del Lupanare.*

A F R I C A N V S M O R I T V R

SCRIBET · PVER RVSTICVS

CONDISCES CVI DOLET PRO AFRICANO

P. 2310 *k.* Cp. add. p. 216 *Vico del Panatiere.* Verg. Aen. ix. 404.

Tu dea tu prese(ns) nostro succurre labore.

P. 2331. *Strada Stabiana.*

LABYRINTHVS
HIC HABITAT
MIN OTAVRVS
labyrinthi
figura

P. 2361. Carmina
Communemne
Arma virumque cano Tro

P. 2387. *Strada dei Diadumeni.*

T M *ramus corona*	T(hrex) M(urmillo)
PINNA NIIRONIANVS XVI V	Pinna Neronianus xvi (pugnarum) v(icit)
COLVMBVS LIBER LXXXVIII P	Columbus liber(tus) lxxxviii (pugnarum) p(eriit).

P. 2487, cf. 1904 et 2461. *Amphitheatrum.* Scriptor sic voluit sed non assecutus est, transposito *te* et *paries* et omisso *ruinis.*

Admiror paries te non cecidisse ruinis,
qui tot scriptorum taedia sustineas.

P. 3072. *In Basilicae muro externo.* Principium operis Lucretiani, AIINIIADV|III GIINIITRIX. Cp. n. 3118, Aenea*d* et 3139 Aenedum.

P. 3135. 'Suspectae lectionis mihi est' Zangemeister.
ROMVLVS IN CAELO. (Enn. Ann. 119, Vahlen.)

TITVLI VASIS FICTILIBVS INSCRIPTI.

P. 2551. In amphorae fragmento. C · POMPONIO · C · ANICIO COS (p. C. 16 vel 65?) | EX · FVND · BADIANO | BISF · ID · AVG · BIMVM

P. 2552. In amphora. *Cn. Len*TVLO MASINIO Cos (p. Chr. 25) | FVND(anum).

P. 2553. In amphora rubro scriptum FAVS(tianum) | TI · CLAVDIO IIII | L · VITELLIO III | COS. P. Chr. 47.

P. 2565. In amphora. COVM GRAN(ianum) | OF(ficina) ROMAE AIERIO FELICI, i. e. *Valerio* potius quam *Aterio.*

P. 2569. In urceo atramento inscriptum. GAR · CAST(imoniale).

P. 2576. In urceo simili. G · F · SCOMBR | SCAVRI | AB EVTYCHE · SCAVRI, i. e. G(arum) f(actum) scombr(o pisce).

P. 2583. In amphora. IN · VSSVS | C · C · H, i. e. in usus (sc. domesticos) C. C(ornelii) H(ermerotis ?).

P. 2589, etc. LIQVAMEN | OPTIMVM, i. e. garum.

P. 2597. In amphora parva. LOMEN(tum) | CNPS.

P. 2599. In amphora.

LVN · VET
AIIIIR
X
M · VALERI · ABINNERICI

(ad latus: CORNELIA)

i. e. Lun(ense) vet(us) a(nnorum) quattuor r(ubrum). *Sequitur pretium; ad latus fundi nomen sive dominae fundi, et infra negotiatoris.*

P. 2609. In fragmento urcei atramento scriptum

MVR(ia) · CAST(imoniarum).

P. 2776. Graphio scriptum in ventre vasis: in Mus. Neap. PRESTA · MI · SINCERV · SIC · TEAMET · QVECVSTODIT · ORTV VENVS.

PART III.

SELECTIONS FROM AUTHORS.

EX SCRIPTORIBVS ANTIQVIS DELECTA.

Sectio Prima.

MONVMENTA ANTIQVA.

CAP. I.

Excerpta ex Legibus quae feruntur Regiis.

§ 1. *Romuli.* I. SI NVRVS . . . *plorassit* . . . SACRA DIVIS PARENTVM ESTOD.

§ 2. *Numae* 2. VINO ROGVM NE RESPARGITO.

3. PELLEX ARAM IVNONIS NE TANGITO; SI TANGET, IVNONI CRINIBVS DEMISSIS AGNVM FEMINAM CAEDITO.

4 *a.* SI HOMINEM FVLMEN IOVIS OCCISIT NE SVPRA GENVA TOLLITO. *b.* HOMO SI FVLMINE OCCISVS EST EI IVSTA NVLLA FIERI OPORTET.

5. CVI SVO AVSPICIO CLASSE PROCINCTA OPIMA SPOLIA CAPIVNTVR DARI AER*is ccc* OPORTEAT ET BOVEM CAEDITO IOVI FERETRIO. *Cuius auspicio classe procincta* SECVNDA SPOLIA *capta*, IN MARTIS ARAM IN CAMPO SOLITAVRILIA, VTRA VOLVERIT, CAEDITO; QVI CEPIT AERIS CC *dato. Cuius auspicio classe procincta* TERTIA SPOLIA *capta* IANVI QVIRINO AGNVM MAREM CAEDITO, C QUI CEPERIT EX AERE DATO. DIS PIACVLVM DATO.

6. Numa constituit ut pisces, qui squamosi non essent, ni pollucerent. Plin. N. H. xxxii. 2, 20, cp. Fest. *pollucere*, p. 253.

7. Ex imputata vite libari vina nefas statuit. Plin. xiv. 12.

8. SI QVI HOMINEM LIBERVM DOLO SCIENS MORTI DVIT PARICIDAS ESTO.

9. In Numae legibus cautum est, ut si quis imprudens occi-

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1. Fest. *plorare*, p. 230 M. 2. Plin. H. N. xiv. 12. 3. Fest. *pellices*, p. 222; Gell. N. A. iv. 3. 4 *a.b.* Fest. *occisum*, p. 178, cp. Plin. H. N. ii. 54. 5. Fest. *opima*, p. 189, emendavit Hertzberg. 8. Fest. *parrici*, p. 221.

disset hominem pro capite occisi agnatis eius in contione offerret arietem. Serv. in Verg. Ecl. iv. 43 (*et natis* et *cautione* MSS.).

10. SI QVISQVAM ALIVTA FAXIT IPSOS IOVI SACER ESTO.

§ 3. *Tulli Hostilii.*

11. Rex . . 'Duumviros,' inquit, 'qui Horatio perduellionem iudicent secundum legem facio.' Lex horrendi carminis erat, 'Duumviri perduellionem iudicent: si a duumviris provocarit, provocatione certato: si vincent caput obnubito, infelici arbori reste suspendito, verberato vel intra pomoerium vel extra pomoerium.' Liv. i. 26.

§ 4. *Servi Tulli.*

12. SI PARENTEM PVER VERBERIT AST OLE PLORASSIT PVER DIVIS PARENTVM SACER ESTO.

CAP. II.

Legis Duodecim Tabularum Reliquiae quae extant omnes.

TABULA I.

1. SI IN IVS VOCAT, ITO. NI IT, ANTESTAMINO: IGITVR EM CAPITO. 2. SI CALVITVR PEDEMVE STRVIT, MANVM ENDO IACITO. 3. SI MORBVS AEVITASVE VITIVM ESCIT, [QVI IN IVS VOCABIT] IVMENTVM DATO: SI NOLET, ARCERAM NE STERNITO.

4. ADSIDVO VINDEX ADSIDVVS ESTO, PROLETARIO IAM CIVI QVIS VOLET VINDEX ESTO.

5. NEXI *mancipique cum P. R. idem* FORTI SANATI*que supra infraque ius esto.*

6. REM VBI PACVNT ORATO. 7. NI PACVNT, IN COMITIO AVT IN FORO ANTE MERIDIEM CAVSSAM COICIVNTO. COM PERORANTO AMBO PRAESENTES. 8. POST MERIDIEM PRAESENTI LITEM ADDICITO.

9. SI AMBO PRAESENTES, SOL OCCASUS SVPREMA TEMPESTAS ESTO.

10. VADES . . . SVBVADES.

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10. Fest. *aliuta*, p. 6. 12. Fest. *plorare*, p. 230.

Tab. I. 1. Porphyrio ad Hor. Sat. i. 9, 65; cp. Cic. de Legg. ii. 4, 9; Gell. xx. 1, 25. 2. Fest. pp. 313, 210 M. 3. Gell. xx. 1, 24, 25, cp. Varr. Gerontodidascalo. 4. Gell. xvi. 10, 5. 5. Fest. p. 321, cf. p. 348, supplevit Huschke Iurispr. anteiustin, p. $\frac{26}{27}$. 6-9. Rhet. ad Heren. II. xiii. 20, rem . . . coiciunto, cp. Prisc. p. 894 P; Gell. xvii. 2, 10, ante meridiem . . . tempestas esto; cp. Varr. L. L. vii. 51, etc.; *pacunt*, Ter. Scaur. de Orthog. (p. 2253 P.) teste Schoell; *pagunt* ceteri. 10. Gell. xvi. 10, 8.

TABULA II.

1. SACRAMENTI ACTIO. Sacramenti actio generalis erat: *de* quibus enim rebus ut aliter ageretur lege cautum non erat de *his* sacramento agebatur . . . . Poena autem sacramenti aut quingenaria erat aut quinquagenaria. *Nam* de rebus mille aeris plurisve quingentis assibus, de minoris *vero* quinquaginta assibus sacramento contendeb*atur*: nam *ita* lege XII Tabularum cautum erat. *Sed si de* libertate hominis *contro*versia erat, etsi pretiosissimus homo esset, tamen ut L assibus sacramento contendere*tur* ea*dem* lege cautum est favoris *causa ne sat*is*d*a*t*ione o*ne*rarentur adsertores. Gaius. Inst. iv. §§ 13, 14 (supplevit Savigny).

2. MORBVS SONTICVS . . . AVT STATVS DIES CVM HOSTE:—QVID HORVM FVIT VITIVM IVDICI ARBITROVE REOVE, EO DIES DIFFENSVS ESTO.

3. CVI TESTIMONIVM DEFVERIT, IS TERTIIS DIEBVS OB PORTVM OBVAGVLATVM ITO.

TABULA III.

1. AERIS CONFESSI [REBVSQVE IVRE] IVDICATIS XXX DIES IVSTI SVNTO. 2. POST DEINDE MANVS INIECTIO ESTO. IN IVS DVCITO. 3. NI IVDICATVM FACIT, AVT QVIS ENDO EO IN IVRE VINDICIT, SECVM DVCITO. VINCITO AVT NERVO AVT COMPEDIBVS. XV PONDO NE MINORE (?), AVT SI VOLET MAIORE (?) VINCITO. 4. SI VOLET SVO VIVITO. NI SVO VIVIT, [QVI EVM VINCTVM HABEBIT] LIBRAS FARRIS ENDO DIES DATO: SI VOLET, PLVS DATO.

5. Erat autem ius interea paciscendi, ac nisi pacti forent habebantur in vinculis dies sexaginta. Inter eos dies trinis nundinis continuis ad praetorem in comitium producebantur, quantaeque pecuniae iudicati essent praedicabatur. Tertiis autem nundinis capite poenas dabant aut trans Tiberim peregre venum ibant. Gell. xx. 1; 46, 47.

6. TERTIIS NVNDINIS PARTIS SECANTO. SI PLVS MINVSVE SECVERVNT SE FRAVDE ESTO.

7. ADVERSVS HOSTEM AETERNA AVCTORITAS *esto*.

TAB. II. 2. Gell. xx. 1, 27, etc., morbus sonticus, Cic. De Off. i. 12, 37, aut... hoste. Fest. p. 273 M, in secunda tabula secunda lege, Quid . . . esto; *unum*, cod., *vitium*, Cujac. 3. Fest. pp. 233, 375 M.

TAB. III. 1–4. Gell. xx. 1, 45, aeris . . . plus dato, id. xv. 13, 11, aeris . . . sunto, Gaius, Inst. iv. 21, manus iniectio. 6. Gell. xx. 1, 48. 7. Cic. De Off. i. 12, 37.

TABULA IV.

1. . . . cito ablegatus tamquam ex XII Tabulis insignis ad deformitatem puer. Cic. de Legg. iii. 8, 19 (*ablegatus* Auratus, Schoell; *legatus* codd.; al. *necatus*, *letatus*, *leto datus*).

2. SI PATER FILIVM TER VENVNDAVIT (?) FILIVS A PATRE LIBER ESTO.

3. Illam suam suas res sibi habere iussit, ex XII Tabulas claves ademit exegit. Quam porro spectatus civis quam probatus! cuius ex omni vita nihil est honestius quam quod cum mima fecit divortium. Cic. Philip. ii. 28, 69.

4. Decemviri in decem mensibus gigni hominem non in undecimo (scripserunt). Gell. iii. 16, 12.

Ex lege duodecim tabularum ad legitimam hereditatem is qui in utero fuit, admittitur, si fuerit editus . . . . Post decem menses mortis natus non admittetur ad legitimam hereditatem. Ulpian, ad Sabin. Dig. xxxviii. 16, 3, § 9 et 11.

TABULA V.

1. Veteres enim voluerunt feminas etiamsi perfectae aetatis sint, propter animi levitatem in tutela esse . . . loquimur autem exceptis virginibus Vestalibus, quas etiam veteres in honorem sacerdotii liberas esse voluerunt: itaque etiam lege XII Tabularum cautum est. Gaius, Inst. i. §§ 144, 145, cf. § 157.

2. Mulieris quae in agnatorum tutela erat res mancipi usucapi non poterant praeterquam si ab ipsa tutore *auctore* traditae essent: id*que* i*t*a lege XII Tabularum ca*utum erat*. Gaius, Inst. ii. § 47.

3. VTI LEGASSIT SVPER PECVNIA TVTELAVE SVAE REI, ITA IVS ESTO.

4. SI INTESTATO MORITVR, CVI SVVS HERES NEC ESCIT, ADGNATVS PROXIMVS FAMILIAM HABETO. 5. SI ADGNATVS NEC ESCIT, GENTILES FAMILIAM HABENTO.

6. Quibus testamento quidem tutor datus non sit iis ex lege

TAB. IV. 2. Ulpian, fr. t. x. 1, Gaius, Inst. i. 132, cp. Dion. Hal. ii. 27, etc.

TAB. V. 3. Ulp. fr. xi. 14; Gaius, Inst. ii. 224, Iustin. ii. 22. etc., *omissis* super pecunia tutelave; cp. Cic. de Inv. ii. 50, 148, Paterfamilias uti, etc. 4. Ulp. fr. xxvi. 1; de Inv. ii. 50, 148. 5. Ulp. in Coll. Mos. et R. xvi. 4. 2; cp. Gai. iii. 17; *nescit*, codd.; *nec escit*, Cujac.

XII agnati sunt tutores qui vocantur legitimi. Gaius, Inst. i. § 155.

7 *a*. SI FVRIOSVS ESCIT, ADGNATVM GENTILIVMQVE IN EO PECVNIAQVE EIVS POTESTAS ESTO. *b*. . . . AST EI CVSTOS NEC ESCIT. . . . *c*. Lege XII Tab. prodigo interdicitur bonorum suorum administratio. Ulp. in Dig. xxvii. 10, 1. Lex XII Tab. furiosum itemque prodigum, cui bonis interdictum est, in curatione iubet esse agnatorum. Ulp. fr. xii. 2.

8. Civis Romani liberti hereditatem lex XII Tab. patrono defert, si intestato sine suo herede libertus decesserit. Ulp. fr. xxix. 1.

. . . EX EA FAMILIA IN EAM FAMILIAM . . .

9. Ea quae in nominibus sunt non recipiunt divisionem cum ipso iure in portiones hereditarias ex lege duodecim tabularum divisa sunt. Imp. Gordianus. Cod. Iustin. iii. 36, 6.

Ex lege XII Tab. aes alienum hereditarium pro portionibus quaesitis singulis ipso iure divisum (est). Cod. ii. 3, 26.

10. Haec actio (FAMILIAE ERCISCVNDAE) proficiscitur e lege XII Tab.: namque coheredibus volentibus a communione discedere necessarium videbatur aliquam actionem constitui qua inter eos res hereditariae distribuerentur. Gaius, in Dig. x. 2, 1.

TABULA VI.

1. CVM NEXVM FACIET MANCIPIVMQVE VTI LINGVA NVNCVPASSIT ITA IVS ESTO.

Et mancipationem et in iure cessionem lex XII Tab. confirmat. Fr. Vat. 50 (cod. *confirmant*).

2. Cum ex duodecim Tabulis satis esset ea praestari quae essent lingua nuncupata, quae qui infitiatus esset dupli poenam subiret, a iuris consultis etiam reticentiae poena est constituta. Cic. de Off. iii. 16, 65.

3. Quoniam usus auctoritas fundi biennium est, sit etiam aedium: at in lege aedes non appellantur et sunt ceterarum rerum omnium, quarum annuus est usus. Cic. Top. iv. 23.

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7 *a*. Cic. de Inv. ii. 50, 148, Rhet. ad Heren. i. 13, 23. *b*. Fest. p. 162 M.
8. Ulp. in Dig. l. 16, 195, § 1.
TAB. VI. 1. Fest. p. 173 M. cp. Cic. de Or. i. 57, 245.

4. Usu in manum conveniebat, quae anno continuo nupta perseverabat; *quaeenim* velut annua possessione usu capiebatur, in familiam viri transibat filiaeque locum optinebat. Itaque lege XII Tab. cautum *erat*, siqua nollet eo modo in manum mariti conve*nire*, *ut quotan*nis trinoctio abesset at*q*ue *ita usum* cuiusque anni interrumperet. Gaius, Inst. i. 111, cf. Gell. iii. 2, 13.

5. SI [QVI] IN IVRE MANVM CONSERVNT.

6. Postulant ut rem integram in patris adventum differat (sc. Appius Claudius) lege ab ipso lata vindicias det secundum libertatem. Liv. iii. 44, 12.

7. TIGNVM IVNCTVM AEDIBVS VINEAEVE E CONCAPI NE SOLVITO.

8. QVANDOQVE SARPTA DONEC DEMPTA ERVNT.

9. Lex XII Tab. neque solvere permittet tignum furtivum aedibus vel vineis iunctum neque vindicare; quod providenter lex effecit, ne vel aedificia sub hoc praetextu diruantur vel vinearum cultura turbetur: sed in eum qui convictus est iunxisse in duplum dat actionem. Ulp. in Dig. xlvii. 3, 1.

TABULA VII.

1. XII Tabularum interpretes ambitum parietis circuitum esse describunt. Varro, L. L. v. 32.

Duo pedes et semis sestertius pes vocatur. Volusius Maecianus, de assis distrib. 46.

2. Sciendum est in actione finium regundorum illud observandum esse quod ad exemplum quodammodo eius legis scriptum est quam Athenis Solonem dicitur tulisse. Nam illic ita est: *ἐάν τις αἱμασίαν παρ' ἀλλοτρίῳ χωρίῳ ὀρύγῃ* (l. *ὀρύττῃ*), *τὸν ὅρον μὴ παραβαίνειν· ἐὰν* (*δὲ*) *τειχίον πόδα ἀπολείπειν· ἐὰν δὲ οἴκημα δύο πόδας· ἐὰν δὲ τάφρον ἢ βόθρον ὀρύττῃ, ὅσον τὸ βάθος ἢ τοσοῦτον ἀπολείπειν· ἐὰν δὲ φρέαρ ὀργυιάν· ἐλαίαν δὲ καὶ συκῆν ἐννέα πόδας ἀπὸ τοῦ ἀλλοτρίου φυτεύειν, τὰ δὲ ἄλλα δένδρα πέντε πόδας.* Gaius ad XII, in Dig. x. 1, 13.

3. (1) HORTVS . . . HEREDIVM. (2) TVGVRIVM.

4. Usus capionem XII Tabulae intra quinque pedes esse noluerunt. Cic. de Legg. i. 21, 55.

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5. Gell. xx. 10; 7, 8. 7. Fest. p. 364 M. 8. Id. p. 348 M.
TAB. VII. 3. (1) Plin. H. N. xix. 19, 50; (2) Festus, p. 355 M.

5. SI IVRGANT inquit (lex) . . . iurgare igitur lex putat inter se vicinos non litigare. Cic. de Rep. 4, 8. Ex XII tres arbitri fines regemus. Id. de Legg. i. 21, 55.

6. Viae latitudo ex lege XII Tab. in porrectum octo pedes habet, in anfractum, id est ubi flexum est, sedecim. Gaius, in Dig. viii. 3, 8 (de servitutibus praediorum rusticorum).

7. VIAS MVNIVNTO. NI SAM DELAPIDASSINT, QVA VOLET IVMENTA AGITO.

8 *a*. SI AQVA PLVVIA NOCET, id est 'si nocere poterit.' Pompon. in Dig. xl. 7, 21. 'Aqua pluvia nocens' . . . iubetur ab arbitro coerceri. Cic. Top. 9, 39. *b*. Si per publicum locum rivus aquae ductus privato nocebit erit actio privato ex lege XII Tab. ut noxa domino sarciatur. Paulus(?) in Dig. xliii. 8, 5 (*sarciatur* Mommsen pro *caveatur*).

9 *a*. Quod ait praetor et lex XII Tab. efficere voluit, ut xv pedes altius rami arboris circumcidantur, et hoc idcirco effectum est, ne umbra arboris vicino praedio noceret. Ulp. in Dig. xliii. 27, 1, § 8. *b*. Si arbor ex vicini fundo vento inclinata in tuum fundum sit, ex lege XII Tab. de adimenda ea . . . agere potes. Pomp. in Dig. xliii. 27, 2.

10. Cautum est praeterea lege XII Tab. ut glandem in alienum fundum procidentem liceret colligere. Plin. N. H. xvi. 5, 15.

11. Venditae vero res et traditae non aliter emptori acquiruntur quam si is venditori pretium solverit, vel alio modo satisfecerit veluti expromissore aut pignore dato. Quod cavetur quidem etiam lege XII Tab., tamen recte dicitur et iure gentium, id est iure naturali id effici. Iustin. Inst. ii. 1, 41.

12. Sub hac conditione liber esse iussus si CCIↃↃ heredi dederit etsi ab herede abalienatus sit, emptori dando pecuniam ad libertatem perveniet: idque lex XII Tab. iubet. Ulp. fr. ii. 4.

TABULA VIII.

1. Nostrae contra XII Tab. cum perpaucas res capite sanxissent, in his hanc quoque sanciendum putaverunt: si quis occentavisset sive carmen condidisset, quod infamiam faceret

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7. Fest. p. 371 M, emendavit Mommsen, Festus, p. 85, *muniunt onisandi lapidas*, Vat. Leid. *muniunto omsamdi lapidas . . . sunt* Victorianus, *muniunto dionisam lapides sunt* Ursinianus, alii aliter correxerunt.

flagitiumve alteri. Cic. de Rep. iv. 12. Cautum est ut fustibus feriretur qui publice invehebatur. Cornutus ad Pers. i. 123.

a. QVI MALVM CARMEN INCANTASSIT. *b*. OCCENTASSIT.

2. SI MEMBRVM RVPSIT NI CVM EO PACIT TALIO ESTO. 3. MANV FVSTIVE SI OS FREGIT LIBERO CCC, [*SI*] SERVO, CL POENAM SVBITO [SESTERTIORVM]. 4. SI INIVRIAM [ALTERI] FAXSIT, VIGINTI QVINQVE POENAE SVNTO.

5. Si quadrupes pauperiem fecisse dicetur, actio ex lege XII Tab. descendit: quae lex voluit aut dari id quod nocuit, id est id animal quod noxiam commisit, aut aestimationem noxiae offerri. Ulp. in Dig. ix. 1, 1, cf. Iustin. iv. 9.

6. 'De pastu pecoris.' Ulp. in Dig. xix. 5, 14, § 3.

7 *a*. QVI FRVGES EXCANTASSIT. *b*. 'neve alienam segetem pellexeris.'

8. Frugem quidem aratro quaesitam furtim noctu pavisse ac secuisse puberi XII Tabulas capital erat, suspensumque Cereri necari iubebant, gravius quam in homicidio convictum: impubem praetoris arbitratu verberari noxiamve duplionemve decerni (legendum videtur *duplione decidi*). Plin. N. H. xviii. 3, 12.

9. Qui aedes acervumve frumenti iuxta domum positum combusserit, vinctus verberatus igni necari iubetur, si modo sciens prudensque id commiserit; si vero casu, id est neglegentia, aut noxiam sarcire iubetur, aut si minus idoneus sit levius castigatur. Appellatione autem aedium omnes species aedificii continentur. Gaius, ad XII in Dig. xlvii. 9, 9.

10. Cautum est XII Tab. ut qui iniuria cecidisset alienas (arbores) lueret in singulas aeris xxv. Plin. N. H. xvii. 1, 7, cf. Gaium, iv. § 11, 'de arboribus succisis.'

11. SI NOX FVRTVM FAXSIT, SI IM OCCISIT, IVRE CAESVS ESTO.

12. Furem, hoc est praedonem et latronem, luce occidi vetant XII Tab.... NISI SE TELO DEFENDIT inquit . . . NON OCCIDES. Quod si repugnat, ENDO PLORATO, hoc est conclamato, ut aliqui audiant et conveniant. Cic. pro Tullio, fr. v. 50, cf. Fest. p. 309, etc.

TAB. VIII. 1 *a*. Plin. N. H. xxviii. 2, 17. *b*. Fest. p. 181 M. 2. Fest. p. 363 M, Gell. xx. 1, 4. 3, 4. Paulus in Collat. M. et R. ii. 5, 5, cp. Gaium, iii. 223; locum corruptissimum emendaverunt Lachmann, alii. 7 *a*. Plin. N. H. xxviii. 2, 10. *b*. Serv. in Verg. Eclog. viii. 99. 11. Macrob. Sat. i. 4, 19; cp. Gell. viii. 1.

13. Ex ceteris autem manifestis furibus liberos verberari addicique iusserunt ei cui furtum factum esset, si modo id luci fecissent neque se telo defendissent; servos item furti manifesti prensos verberibus adfici et e saxo praecipitari: sed pueros impuberes praetoris arbitratu verberari voluerunt noxiamque ab his factam sarciri. Gell. xi. 18, 8.

14. LANCE ET LICIO.

Ea quoque furta quae per lancem liciumque concepta essent, provide ac si manifesta forent, vindicaverunt. Gell. xi. 18, 9.

15. Concepti et oblati (furti) poena ex lege XII Tab. tripli est eaque similiter a praetore servatur. Gaius, iii. § 191.

16. SI ADORAT FVRTO QVOD NEC MANIFESTVM ERIT *duplione damnum decidito*.

17. Furtivam (rem) lex XII Tab. usu capi prohibet. Gaius, ii. § 45.

18 *a*. Nam primo XII Tabulis sanctum ne quis unciario fenore amplius exerceret. Tac. Ann. 6, 16. *b*. Maiores enim nostri sic habuerunt et ita in legibus posiverunt furem dupli condemnari feneratorem quadrupli. Cato, de R. R. proem.

19. Ex causa depositi lege XII Tab. in duplum actio datur. Paulus, Sent. ii. 12, 11, Coll. x. 7, 11.

20. Si ipsi tutores rem pupilli furati sunt, videamus an ea actione quae proponitur ex lege XII Tab. adversus tutores in duplum, singuli in solidum teneantur. Tryphon. in Dig. xxvi. 7, 55, § 1, cp. Cic. De Off. iii. 15, 61, Ulp. in Dig. xxvi. 10, 1, § 2. Sciendum est suspecti (tutoris) crimen ex lege XII Tab. descendere.

21. PATRONVS SI CLIENTI FRAVDEM FECERIT, SACER ESTO.

22. QVI SE SIERIT TESTARIER LIBRIPENSVE FVERIT, NI TESTIMONIVM FATIATVR, INPROBVS INTESTABILISQVE ESTO.

23. Ex XII Tabulis de testimoniis falsis poena . . . qui falsum testimonium dixisse convictus esset, e saxo Tarpeio deiceretur . . . Gell. xx. 1, 53.

24. SI TELVM MANV FVGIT MA*GIS QVAM IECIT*.

Iacere telum voluntatis est, ferire quem nolueris fortunae.

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14. Fest. Ep. p. 177 M, Gell. xvi. 10, 8. 16. Fest. p. 162 M; cp. p. 19, cp. Gaium, iii. 190. 21. Serv. ad Aen. vi. 609; cp. Gell. xx. 1, 40, Plutarch. Rom. 13. 22. Gell. xv. 13, 11, vii. 7, 2. 24. Cic. pro Tullio, v. 51.

Ex quo aries subicitur ille in vestris actionibus, si telum manu fugit magis quam iecit. Cip. Top. 17, 64.

25. Qui venenum dicit, adicere debet utrum malum an bonum; nam et medicamenta venena sunt. Gaius ad XII, in Dig. l. 16, 236.

26. Primum XII Tabulis cautum esse cognoscimus ne quis in urbe coetus nocturnos agitaret. Porcius Latro, Declam. in Catil. 19.

27. Sodales sunt qui eiusdem collegii sunt quam Graeci ἑταιρίαν vocant. His autem potestatem facit lex pactionem quam velint sibi ferre, dum ne quid ex publica lege corrumpant. Sed haec lex videtur ex lege Solonis translata esse. Gaius ad XII, in Dig. xlvii. 22, 4.

TABULA IX.

1, 2. Tum leges praeclarissimae de XII Tabulis tralatae duae, quarum altera privilegia tollit altera de capite civis rogari nisi maximo comitiatu vetat. Et nondum notis seditiosis tribunis pl., ne cogitatis quidem, admirandum tantum maioris in posterum providisse: in privatos homines leges ferri noluerunt, id est enim privilegium. . . . Ferri de singulis nisi centuriatis comitiis noluerunt. Cic. de Legg. iii. 19, 44.

'Privilegia ne inroganto. De capite civis nisi per maximum comitiatum ollosque quos censores in partibus populi locassint ne ferunto.' Ib. 4, 11.

3. Dure autem scriptum esse in istis legibus quid existimari potest? nisi duram esse legem putas quae iudicem arbitrumve iure datum, qui ob rem dicendam pecuniam accepisse convictus est, capite poenitur. Gell. xx. 1, 7.

4. (viii. 25, 2 Schoell.) Et quia ut diximus de capite civis Romani iniussu populi non erat lege permissum consulibus ius dicere: propterea quaestores constituebantur a populo, qui capitalibus rebus praeessent; hi appellabantur quaestores parricidii quorum etiam meminit lex XII Tabularum. Pompon. in Dig. i. 2, 2, § 23.

5. Lex XII Tab. iubet eum qui hostem concitaverit quive civem hosti tradiderit, capite puniri. Marcianus, in Dig. xlviii. 4, 3.

6. (viii. 25, 1 Schoell.) Interfici enim indemnatum quemcunque hominem etiam XII Tabularum decreta vetuerunt. Salvianus Massil. de Gubernatione Dei, viii. 5.

TABULA X.

1. HOMINEM MORTVVM IN VRBE NE SEPELITO NEVE VRITO.

2. Iam cetera in XII minuendi sumtus sunt lamentationisque funebris, translata de Solonis fere legibus. HOC PLVS inquit NE FACITO. ROGVM ASCEA NE POLITO. 3. Nostis quae secuntur; discebamus enim pueri XII, ut carmen necessarium, quas iam nemo discit. Extenuato igitur sumtu tribus reciniis (*relictis*) et uno claro purpurae et decem tibicinibus, tollit etiam lamentationem. 4. MVLIERES GENAS NE RADVNTO, NEVE LESSVM FVNERIS ERGO HABENTO. 5. Cetera item funebria quibus luctus augetur XII sustulerunt. HOMINI inquit MORTVO NE OSSA LEGITO QVO POST FVNVS FACIAT. Excipit bellicam peregrinamque mortem. 6. Haec praeterea sunt in legibus: servilis unctura tollitur omnisque circumpotatio. . . . Ne sumtuosa respersio, ne longae coronae nec acerrae praetereantur (*praeferantur*, Manut. *nec s. r. nec l. c. nec a. praetereuntur*, Bakius). [Murrata potio...ne mortuo indatur. Fest. p. 158 M]. 7. Coronam virtute partam et ei qui peperisset et eius parenti sine fraude esse lex impositam iubet. [QVI CORONAM PARIT IPSE PECVNIAVE EIVS VIRTVTISQVE ERGO, ARDVITVR EI. Plin. N. H. xxi. 5, 7.] 8. Ut uni plura fierent (funera) lectique plures sternerentur id quoque ne fieret lege sanctum est. 9. In lege quom esset NEVE AVRVM ADDITO, quam humane excipit altera CVI AVRO DENTES IVNCTI ESCVNT, AST IM CVM ILLO SEPELIET VRETVE, SE FRAVDE ESTO (*essent*, libri; *escunt*, Lambin.). 10, 11. Duae sunt praeterea leges de sepulcris, quarum altera privatorum aedificiis, altera ipsis sepulcris cavet. Nam quod rogum bustumve novum vetat propius LX pedes adici aedes alienas invito domino, incendium videtur arcere. Quod autem forum, id est vestibulum sepulcri, bustumve usu capi vetat, tuetur ius sepulcrorum (*incendium veretur acerbum vetat*, libri; correxit Lambinus; *ut arceatur vetat*, Halm.) Cic. de Legg. ii. 23, 58–61.

TABULA XI.

[Huic tabulae FASTOS DIVRNOS tribuit Schoell; quos vide infra cap. iii.]

1. (Schoell, xii. 1.) Decemviri cum X Tabulas summa legum aequitate prudentiaque conscripsissent, in annum posterum x viros alios subrogaverunt, quorum non similiter fides nec iustitia laudata . . . qui duabus tabulis iniquarum legum additis, quibus, etiam quae disiunctis populis tribui solent conubia, haec illi ut ne plebei cum patribus essent inhumanissima lege sanxerunt—quae postea plebeiscito Canuleio abrogatast—libidinose omni imperio et acerbe et avare populo praefuerunt. Cic. de Rep. ii. 36, 37.

2. Tuditanus refert libro iii magistratuum decemviros, qui X Tabulis duas addiderunt, de intercalando populum rogasse. Cassius eosdem scribit auctores. Macrob. Sat. i. 13, 21.

TABULA XII.

1. Lege autem introducta est pignoris capio velut lege XII Tabularum adversus eum qui hostiam emisset nec pretium redderet; item adversus eum qui mercedem non redderet pro eo iumento quod quis ideo locasset, ut inde pecuniam acceptam in dapem, id est in sacrificium impenderet. Gaius, Inst. iv. 28.

2. SI SERVVS FVRTVM FAXIT NOXIAMVE NOXIT.

3. SI VINDICIAM FALSAM TVLIT, SIVE LITIS . . . *prae*TOR ARBITROS TRIS DATO, EORVM ARBITRIO . . . FRVCTVS DVPLIONE DAMNVM DECIDITO.

4. Rem de qua controversia est prohibemur (lege XII Tab.) in sacrum dedicare: alioquin dupli poenam patimur. Gaius, ad XII Dig. xliv. 6, 3.

5. Interrex Fabius aiebat in XII Tab. legem esse, ut quodcunque postremum populus iussisset, id ius ratumque esset. Liv. vii. 17, 12, cp. ix. 34, 6.

INCERTAE SEDIS FRAGMENTA.

1. NANCITOR in XII nactus erit, praenderit (Fest. p. 166 M. *nanxitor* corr. Mueller, *nancsitor*, Corssen).

TAB. XII. 2. Ulp. in Dig. ix. 4, 2, § 1. 3. Fest. p. 376, p. 84, Mommsen.

2. quando . . . in XII cum e littera ultima scribitur (*e* Ursin. *d* Mueller). Fest. p. 258 M.

3. Sub vos placo in precibus fere cum dicitur, significat id quod supplico, ut in legibus transque dato et endoque plorato. Fest. p. 309 M.

4. dolo malo . . quod . . addidit malo . . *ἀρχαϊσμός* est, quia sic in XII . . . scriptum est. Donat. ad Ter. Eun. iii. 3, 9.

5. Ab omni iudicio poenaque provocari licere indicant XII Tab. conpluribus legibus. Cic. Rep. ii. 31.

6. Nullum enim vinculum ad adstringendam fidem iureiurando maiores artius esse voluerunt. Id indicant leges in XII Tabulis, indicant sacratae, e. q. s. Cic. de Off. iii. 31, 111.

7. Octo genera poenarum in legibus esse scribit Tullius damnum, vincula, verbera, talionem, ignominiam, exilium, mortem, servitutem. Aug. de Civ. Dei, xxi. 11 [omittit Bruns].

8 (?). XII Tabulis ortus tantum et occasus nominatur, post aliquot annos adiectus est et meridies. Plin. N. H. vii. 60, 212.

9. Ideo autem aes et libra adhibetur, quia olim aereis tantum nummis utebantur, et erant asses, dupondii, semisses et quadrantes, nec ullus aureus vel argenteus nummus in usu erat, sicut ex lege XII Tabularum intellegere possumus. Gaius, Inst. i. § 122.

10. Duobus negativis verbis quasi permittit lex magis quam prohibuit, idque etiam Servius animadvertit. Gaius ad XII, in Dig. l. 16, 237.

11 (?). Detestatum est testatione denuntiatum. Ibid. 238, § 1.

12 (?). Per ipsum fere tempus, ut decemviraliter loquar, lex de praescriptione tricennii fuerat proquiritata. Sidonius Apollinaris, Epist. viii. 6.

CAP. III.—Tabula Fastorum

Ex Tabula plerumque Maffeiana C. I. L. i. pp. 303–307, Bruns, pp. 28–30.

1 A	K. IAN.	F	1 H	K. FEB.	N
2 B	IV	F	2 A	IV	N
3 C	III	C	3 B	III	N
4 D	PR.	C	4 C	PR.	N
5 E	NON.	F	5 D	NON.	NP†
6 F	VIII	F	6 E	VIII	N
7 G	VII	C	7 F	VII	N
8 H	VI	C	8 G	VI	N
9 A	AGON(alia)	NP	9 H	V	N
10 B	IV	EN	10 A	IV	N
11 C	CAR(mentalia)	NP	11 B	III	N
12 D	PR.	C	12 C	PR.	N
13 E	EID.	NP	13 D	EID.	NP
14 F	XIX	EN	14 E	XVI	N
15 G	CAR(mentalia)	NP	15 F	LVPER(calia)	NP
16 H	XVII	C	16 G	XIV	EN
17 A	XVI	C	17 H	QVIR(inalia)	NP
18 B	XV	C	18 A	XII	C
19 C	XIV	C	19 B	XI	C
20 D	XIII	C	20 C	X	C
21 E	XII	C	21 D	FERAL(ia)	F
22 F	XI	C	22 E	VIII	C
23 G	X	C	23 F	TER(minalia)	NP
24 H	IX	C	24 G	REGIF(ugium)	N
25 A	VIII	C	25 H	V	C
26 B	VII	C	26 A	IV	EN
27 C	VI	C	27 B	EQ(uiria)	NP
28 D	V	C	28 C	PR.	C
29 E	IV	F*			
30 F	III	N*			
31 G	PR.	C			

* Dies a Caesare adiecti sub finem mensium xxix dierum.

† 'Novae feriae a Caesare aut Augusto introductae; quibus diebus quae nota antea fuerat non constat.' Bruns.

Ian. 14. DIES VITIOS(us) EX S. C.

1	D	K. MAR.	NP	1	C	K. APR.	F
2	E	VI	F	2	D	IV	F
3	F	V	C	3	E	III	C
4	G	IV	C	4	F	PR.	C
5	H	III	C	5	G	NON.	N
6		PR.	NP†	6	H	VIII	NP
7	B	NON.	F	7	A	VII	N
8	C	VIII	F	8	B	VI	N
9	D	VII	C	9	C	V	N
10	E	VI	C	10	D	IV	N
11	F	V	C	11	E	III	N
12	G	IV	C	12	F	PR.	N
13	H	III	EN	13	G	EID.	NP
14	A	EQ(uiria)	NP	14	H	XVIII	N
15	B	EID.	NP	15	A	FORD(icidia)	NP
16	C	XVII	F	16	B	XVI	N
17	D	LIB(eralia)	NP	17	C	XV	N
18	E	XV	C	18	D	XIV	N
19	F	QVIN(quatrus)	N	19	E	CER(ialia)	N
20	G	XIII	C	20	F	XII	N
21	H	XII	C	21	G	PAR(ilia)	NP
22	A	XI	N	22	H	X	N
23	B	TVBIL(ustrium)	NP	23	A	VIN(alia)	NP
24	C	Q(uando) REX C(omitiavit)	F	24	B	VIII	C
25	D	VIII	C	25	C	ROB(igalia)	NP
26	E	VII	C	26	D	VI	F*
27	F	VI	NP†	27	E	V	C
28	G	V	C	28	F	IV	NP†
29	H	IV	C	29	G	III	C
30	A	III	C	30	H	PR.	C
31	B	PR.	C				

MAR. 6. HOC DIE CAES(ar) PONTIF(ex) MAXIM(us) FACT(us) EST.
MAR. 27. HOC DIE CAESAR ALEXAND(ream) RECEPIT.
AP. 4. LVDI MATR(i) MAG(nae). 5–9. LVDI. 10. LVD. IN CIRC. 12. LVDI CETERI. 13–18. LVDI. 19. LVD. IN CIRC. 28. LVD. FLOR. 29, 30. LVDI.

1	A	K. MAI.	F	1	H	K. IVN.	N
2	B	VI	F	2	A	IV	F
3	C	V	C	3	B	III	C
4	D	IV	C	4	C	PR.	C
5	E	III	C	5	D	NON.	N
6	F	PR.	C	6	E	VIII	N
7	G	NON.	N	7	F	VII	N
8	H	VIII	F	8	G	VI	N
9	A	LEM(uria)	N	9	H	VEST(alia)	N
10	B	VI	C	10	A	IV	N
11	C	LEM(uria)	N	11	B	MATR(alia)	N
12	D	IV	NP	12	C	PR.	N
13	E	LEM(uria)	N	13	D	EID.	N
14	F	PR.	C	14	E	XVIII	N
15	G	EID.	NP	15	F	Q(uando) ST(ercus) D(elatum)	F
16	H	XVII	F	16	G	XVI	C
17	A	XVI	C	17	H	XV	C
18	B	XV	C	18	A	XIV	C
19	C	XIV	C	19	B	XIII	C
20	D	XIII	C	20	C	XII	C
21	E	AGON(alia)	NP	21	D	XI	C
22	F	XI	N	22	E	X	C
23	G	TVBIL(ustrium)	NP	23	F	IX	C
24	H	Q(uando) REX C(omitiavit)	F	24	G	VIII	C
25	A	VIII	C	25	H	VII	C
26	B	VII	C	26	A	VI	C
27	C	VI	C	27	B	V	C
28	D	V	C	28	C	IV	C
29	E	IV	C	29	D	III	F*
30	F	III	C	30	E	PR.	C
31	G	PR.	C				

MAI. 12. LVD. MART. IN CIRC.
IVN. 8. MENTI IN CAPIT(olio). 9. FER(iae) VESTAE.

1 F	K. IVL.	N	1 E	K. AVG.	NP†
2 G	VI	N	2 F	IV	N†
3 H	V	N	3 G	III	C
4 A	IV	NP	4 H	PR.	C
5 B	POPLIF(ugium)	NP	5 A	NON.	F
6 C	PR.	N	6 B	VIII	F
7 D	NON.	N	7 C	VII	C
8 E	VIII	N	8 D	VI	C
9 F	VII	N	9 E	V	NP†
10 G	VI	C	10 F	IV	C
11 H	V	C	11 G	III	C
12 A	IV	NP	12 H	PR.	C
13 B	III	C	13 A	EID.	NP
14 C	PR.	C	14 B	XIX	F
15 D	EID.	NP	15 C	XVIII	C
16 E	XVII	F	16 D	XVII	C
17 F	XVI	C	17 E	PORT(unalia)	NP
18 G	XV	C	18 F	XV	C
19 H	LVCAR(ia)	NP	19 G	VIN(alia)	F·P
20 A	XIII	C	20 H	XIII	C
21 B	LVCAR(ia)	NP	21 A	CONS(ualia)	NP
22 C	XI	C	22 B	XI	EN
23 D	NEPT(unalia)	NP	23 C	VOLC(analia)	NP
24 E	IX	N	24 D	IX	C
25 F	FVRR(inalia)	NP	25 E	OPIC(onsiva)	NP
26 G	VII	C	26 F	VII	C
27 H	VI	C	27 G	VOLT(urnalia)	NP
28 A	V	C	28 H	V	NP†
29 B	IV	C	29 A	IV	F*
30 C	III	C	30 B	III	F*
31 D	PR.	C	31 C	PR.	C

IVL. 6. LVDI APOLLIN. 7–12. LVDI. 13. LVD. IN CIR. 14–18. MERK(atus). 20. LVD. VICT. CAESAR. 21–26. LVDI. 27–30. IN CIRC.

AVG. 2. HOC DIE *CAESAR IN HISPANIA* CIT(eriore) VICIT. 9. HOC DIE CAESAR HISPALI VIC. 28. H(oc) D(ie) ARA VICTORIAE IN CVRIA DEDIC(ata) EST.

1 D	K. SEPT.	F	1 B	K. OCT.	N
2 E	IV	NP†	2 C	VI	F
3 F	III	NP†	3 D	V	C
4 G	PR.	C	4 E	IV	C
5 H	NON.	F	5 F	III	C
6 A	VIII	F	6 G	PR.	C
7 B	VII	C	7 H	NON.	F
8 C	VI	C	8 A	VIII	F
9 D	V	C	9 B	VII	C
10 E	IV	C	10 C	VI	C
11 F	III	C	11 D	MEDITR(inalia)	NP
12 G	PR.	N	12 E	AVGVST(alia)	NP†
13 H	EID.	NP	13 F	FONT(inalia)	NP
14 A	XVIII	F	14 G	PR.	EN
15 B	XVII	N	15 H	EID.	NP
16 C	XVI	C	16 A	XVII	F
17 D	XV	C	17 B	XVI	C
18 E	XIV	C	18 C	XV	C
19 F	XIII	C	19 D	ARM(ilustrium)	NP
20 G	XII	C	20 E	XIII	C
21 H	XI	C	21 F	XII	C
22 A	X	C	22 G	XI	C
23 B	IX	NP†	23 H	X	C
24 C	VIII	C	24 A	IX	C
25 D	VII	C	25 B	VIII	C
26 E	VI	C	26 C	VII	C
27 F	V	C	27 D	VI	C
28 G	IV	C	28 E	V	C
29 H	III	F*	29 F	IV	C
30 A	PR.	C	30 G	III	C
			31 H	PR.	C

SEPT. 4. LVDI ROMANI. 5–12. LVDI. 14. EQVOR. PROB(atio). 15. LVD. ROM. IN CIRC. 16–19. IN CIRC. 20–22. MERK. 23. MER. H. D. AVGVSTI NATALIS LVD. CIRC.

OCT. 26. LVD. VICT. 27–31. LVDI.

1 A	K. NOV.	F	1 G	K. DEC.	N
2 B	IV	F	2 H	IV	N
3 C	III	C	3 A	III	N
4 D	PR.	C	4 B	PR.	C
5 E	NON.	F	5 C	NON.	F
6 F	VIII	F	6 D	VIII	F
7 G	VII	C	7 E	VII	C
8 H	VI	C	8 F	VI	C
9 A	V	C	9 G	V	C
10 B	IV	C	10 H	IV	C
11 C	III	C	11 A	AGON(alia)	NP
12 D	PR.	C	12 B	PR.	EN
13 E	EID.	NP	13 C	EID.	NP
14 F	XVIII	F	14 D	XIX	F
15 G	XVII	C	15 E	CONS(ualia)	NP
16 H	XVI	C	16 F	XVII	C
17 A	XV	C	17 G	SAT(urnalia)	NP
18 B	XIV	C	18 H	XV	C
19 C	XIII	C	19 A	OPAL(ia)	NP
20 D	XII	C	20 B	XIII	C
21 E	XI	C	21 C	DIV(alia)	NP
22 F	X	C	22 D	XI	C
23 G	IX	C	23 E	LAR(entalia)	NP
24 H	VIII	C	24 F	IX	C
25 A	VII	C	25 G	VIII	C
26 B	VI	C	26 H	VII	C
27 C	V	C	27 A	VI	C
28 D	IV	C	28 B	V	C
29 E	III	F*	29 C	IV	F*
30 F	PR.	C	30 D	III	F*
			31 E	PR.	C

NOV. 6–12. LVDI. 13 EPVL(um) INDICT(um). 14. EQVOR. PROB. 15. LVD. PLEB. IN CIRC. 16, 17. IN CIRC. 18–21. MERK(atus).
DEC. 17. FERIAE SATVRN(o).

CAP. IV.

Instrumenta Publica Populi Romani.

1. LEX PLAETORIA DE IURISDICTIONE.

Paullo post v. c. 387 = a. c. 365.

Censorinus de die natali 24, Bruns, p. 31.

Praetor urbanus qui nunc est quique posthac fuat, duo lictores apud se habeto isque supremam ad solem occasum iusque inter cives dicito [usque supremam etc., *Lachmann;* iusque *ad* supremam inter cives dicito *Hultsch*].

2. LEX AQUILIA DE DAMNO INIURIA.

v. c. 469 = a. c. 285?

Dig. ix. 2, 2, pr. et 27, § 5, Gaius, iii. 210, 214, 218, Bruns, pp. 31, 32 (cap. i. iii).

I. Si quis servum servamve alienam quadrupedemve pecudem iniuria occiderit quanti id in eo anno plurimi fuit tantum aes ero dare damnas esto.

II. [Capite secun*do in* adstipulatorem qui pecuniam in fraudem stipulatoris acceptam fecerit, quanti ea res es*t* ta*n*ti actio constituitur. Gaius, iii. 215.]

III. Ceterarum rerum (praeter hominem et pecudem occisos), si quis alteri damnum faxit, quod usserit fregerit ruperit iniuria, quanti ea res fuerit in diebus xxx proximis tantum ero dare damnas esto.

3. LEX SILIA DE PONDERIBUS PUBLICIS.

A duobus Siliis P. et M. rogata v. c. 510 = a. c. 240.

Fest. v. *publica pondera*, p. 246 M. Bruns, p. 32, Huschke, Iurispr. anteiust. p. 9, sub Iunii Gracchani nomine, cf. Mommsen, ad C. I. L. i. 48.

Ex ponderibus publicis, quibus hac tempestate populus

octier solet, uti coaequetur sedulum, uti quadrantal vini lxxx pondo siet; congius vini x p(ondo) siet; sex sextari congius siet vini; duodequinquaginta sextari quadrantal siet vini. Sextarius aequus aequo cum librario siet; sexdecimque librarii in modio sient. Si quis magistratus adversus hac d(olo) m(alo) pondera modiosque vasaque publica modica, minora maiorave faxit iussitve fieri, dolumve adduit quo ea fiant, eum quis volet magistratus multare, dum minore(m) parti(m) familias taxat, liceto; sive quis in sacrum iudicare volet liceto.

4. LEX PAPIRIA DE SACRAMENTO.

V. C. 511 ? = A. C. 243.

Fest. s. v. *sacramentum*, p. 247. Bruns, p. 32.

Quicunque praetor post hoc factus erit qui inter cives ius dicet tres viros capitales populum rogato, hique tres viri *capitales* quicunque *posthac fa*cti erunt, sacramenta ex*igunto* iudicantoque, eodemque iure sunto, uti ex legibus, plebeique scitis exigere iudicareque esseque oportet.

5. S. C. DE PHILOSOPHIS ET RHETORIBUS.

V. C. 593 = A. C. 161.

Referunt Gellius, xv. 11, et Suetonius, de Gramm. et Rhet. 25, p. 119, Reifferscheid. Bruns, p. 106.

C. Fannio Strabone M. Valerio Messala cos. M. Pomponius praetor senatum consuluit. Quod verba facta sunt de philosophis

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Lex Silia. 2. *octier qui solet*, cod., *volgo solet*, Huschke; *coercetur*, Huschke; *se dolo m(alo)*, Scaliger, H.; *ut hi*, cod. 3. *decemp. is*, cod. 4. *congius siet in*, cod., *vini*, Muller. 5, 6. *sexdequinque librae*, cod., *sexdecimque*, Urs. Scaliger; *librarii* M. 6. *medio*, cod. *hac*, cod., *h(anc) l(egem)*, Mommsen, Bruns. 7. *medios*, cod. 8. *iussit vere*, cod., qu. legendum *iussitve refieri*? *que* non *quod*, cod. (teste Mommsen), *quo*, Scal. Müll. Mom. Bruns, *quod* H. 9. *quis*, cod., *qui*, Mommsen, Bruns. *multaretur*, cod., *multare*, Müller, *multare q(uantum) v(olet) p(ecuniam)* H. 10. *patri*, cod., *minore parti*, M. H., *minore(m) parti(m)* ego; *in sacrum*, cod. H. B., *im sacrum*, Scal. Müller.

Lex Papiria. 1. *posthoc*, cod., *post hac* M. 5. *iudicareque esse esseque*, cod.

et rhetoribus, de ea re ita censuerunt, ut M. Pomponius praetor animadverteret curaretque uti ei e republica fideque sua videretur uti Romae ne essent.

6. EDICTUM CENSORIUM.

V. C. 662 = A. C. 92.

Ibidem.

Cn. Domitius Ahenobarbus et L. Licinius Crassus censores de coercendis rhetoribus Latinis ita edixerunt:—

Renuntiatum est nobis esse homines qui novum genus disciplinae instituerunt ad quos iuventus in ludum conveniat, eos sibi nomen inposuisse Latinos rhetoras, ibi homines adulescentulos dies totos desidere. Maiores nostri quae liberos suos discere et quos in ludos itare vellent instituerunt. Haec nova quae praeter consuetudinem ac morem maiorum fiunt neque placent neque recta videntur. Quapropter et his qui eos ludos habent et his qui eo venire consuerunt, visum est faciundum, ut ostenderemus nostram sententiam, nobis non placere.

7. LEX CORNELIA DE SICARIIS ET VENEFICIS.

Lata intra V. C. 671–674 = A. C. 83–80.

'Verba legis exigua tantum ex parte tradita sunt apud Ciceronem et in Collatione.' Bruns, p. 70; ex Cic. pro Cluentio, liv. 148, lvii. 157, Dig. xlviii. 8, Coll. i. 2, 3.

Cap. I. Capite primo legis Corneliae de sicariis cavetur, ut:—

Is praetor iudexve quaestionis cui sorte obvenerit quaestio de sicariis, eius, quod in urbe Roma propiusve M passus factum sit, uti quaerat cum iudicibus, qui ei ex lege sorte obvenerint de capite eius qui cum telo ambulaverit hominis necandi furtive faciendi causa, hominemve occiderit, cuiusve id dolo malo factum erit.

Cap. V. Iubet lex . . . iudicem quaestionis . . . cum iis iudicibus qui ei obvenerint quaerere de veneno:—

Qui venenum malum *hominis necandi causa* fecit fecerit vendiderit emerit habuerit dederit . . . . deque eius capite quaerito, qui tribunus militum legionibus IIII primis, quive

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S. C. DE PHILOSOPHIS. 3. *de rhetoribus*, Gell. 4. *ut si ei* Suet.
EDICTUM CENSORIUM. 10. *videtur* pro *visum est*, Suet.

quaestor tribunus plebis . . (deinceps omnes magistratus nominantur) . . . *fuerit*, quive in senatu sententiam dixit dixerit, qui eorum coit coierit, convenit convenerit, *consensit* consenserit, falsumve testimonium dixerit, quo quis iudicio publico condemnaretur.

8. LEX FALCIDIA.

Plebiscitum v. c. 714 = a. c. 40, ex Dig. xxxv. 2, 1. Bruns, p. 84. (Verba nonnulla supplevit Mommsen, et *sequenti* delendum censet.)

I. Qui cives Romani sunt, qui eorum post hanc legem rogatam *de sua pecunia suisque rebus* testamentum facere volet ut eam pecuniam easque res quibusque dare legare volet, ius potestasque esto, ut hac lege [sequenti] licebit.

II. Quicunque civis Romanus post hanc legem rogatam testamentum faciet, is quantam cuique civi Romano pecuniam iure publico dare legare volet, ius potestasque esto, dum ita detur legatum, ne minus quam partem quartam hereditatis eo testamento heredes capiant, *itaque* eis, quibus quid ita datum legatumve erit eam pecuniam sine fraude sua capere liceto, isque heres qui eam pecuniam dare iussus damnatus erit, eam pecuniam debeto dare quam *dare* damnatus est.

9. S. C. DE AQUAEDUCTIBUS.

v. c. 743 = a. c. 11.

Postremum e sex SCtis a Frontino *de aquis urbis Romae* cap. 100–127 relatis. Bruns, p. 107.

Quod Q. Aelius Tubero Paulus Fabius Maximus cos. v. f. aquarum quae in urbem venirent itinera occupari monumentis et aedificiis et arboribus conseri, q(uid) d(e) e(a) r(e) f(ieri) p(laceret), d(e) e(a) r(e) i(ta) c(ensuerunt) ad reficiendos rivos specusque et quae per ea opera rei publicae corrumpantur, placere; circa fontes et fornices et muros utraque ex parte vacuos quinos denos pedes patere; et circa rivos qui sub terra essent et specus intra urbem et extra urbem intra continentia aedificia, utraque ex parte quinos pedes vacuos relinqui; ita ut neque monumentum in his locis neque aedificium post hoc tempus ponere neque conserere arbores liceret. Si quae nunc essent arbores intra id spatium

exciderentur, praeterquam si quae villae continentes et inclusae aedificiis essent. Si quis adversus ea conmiserit in singulas res poena H. S. dena milia essent, ex quibus pars dimidia praemium accusatori daretur, cuius opera maxime convictus esset, qui adversus hoc S. C. conmisisset, pars autem dimidia in aerarium redigeretur. Deque ea re iudicarent cognoscerentque curatores aquarum.

CAP. V.

Formulae Variae Antiquae Reipublicae.

I. FORMULAE IURIS FETIALIUM.

(*a*) Formulae rerum repetundarum et belli indicendi.

5 Ut tamen quoniam Numa in pace religiones instituisset, a se (i. e. Anco Martio) bellicae caerimoniae proderentur, nec gererentur solum, sed etiam indicerentur bella aliquo ritu, ius ab antiqua gente Aequiculis quod nunc fetiales habent, descripsit quo res repetuntur.

6 Legatus ubi ad fines eorum venit, unde res repetuntur, capite velato filo (lanae velamen est) 'Audi Iuppiter,' inquit, 'audite fines' (cuiuscunque gentis sunt nominat) 'audiat Fas. Ego sum publicus nuntius populi Romani: iuste pieque
7 legatus venio, verbisque meis fides sit.' Peragit deinde postulata. Inde Iovem testem facit: 'Si ego iniuste impieque illos homines illasque res dedier mihi exposco tum patriae
8 compotem me nunquam siris esse.' Haec cum fines suprascandit, haec quicunque ei primus vir obvius fuerit, haec portam ingrediens, haec forum ingressus, paucis verbis carminis concipiendique iurisiurandi mutatis peragit.

9 Si non deduntur quos exposcit, diebus tribus et triginta
10 (tot enim sollemnes sunt) peractis, bellum ita indicit: 'Audi Iuppiter, et tu Iane Quirine, Diique omnes caelestes, vosque terrestres, vosque inferni audite. Ego vos testor populum illum (quicunque est nominat) iniustum esse neque ius persolvere. Sed de istis rebus in patria maiores natu consulemus, quo pacto ius nostrum adipiscamur.'

11 Cum iis nuntius Romam ad consulendum redit. Confestim rex his ferme verbis Patres consulebat: 'Quarum rerum litium causa condixit pater patratus populi Romani Quiritium patri patrato priscorum Latinorum hominibusque priscis Latinis, quas res nec dederunt nec solverunt nec fecerunt quas res dari fieri solvi oportuit, dic,' inquit ei quem primum
12 sententiam rogabat, 'quid censes?' Tum ille: 'Puro pioque duello quaerendas censeo itaque consentio consciscoque.' Inde ordine alii rogabantur: quandoque pars maior eorum qui aderant in eandem sententiam ibat bellum erat consensum.

Fieri solitum ut fetialis hastam ferratam aut praeustam sanguineam ad fines eorum ferret, et non minus tribus puberibus praesentibus diceret:—

13 'Quod populi priscorum Latinorum hominesque prisci Latini adversus populum Romanum Quiritium fecerunt, deliquerunt, quod populus Romanus Quiritium bellum cum priscis Latinis iussit esse, senatusque populi Romani Quiritium censuit consensit conscivit, ut bellum cum priscis Latinis fieret; ob eam rem ego populusque Romanus populis priscorum Latinorum hominibusque priscis Latinis bellum indico facioque.'

14 Id ubi dixisset hastam in fines eorum emittebat. Hoc tum modo ab Latinis repetitae res ac bellum indictum; moremque eum posteri acceperunt. Liv. i. 32, ed. Madvig.

(*b*) Formula belli indicendi.

Cincius in libro tertio de re militari fetialem populi Romani bellem indicentem hostibus, telumque in agrum eorum iacientem hisce verbis uti scripsit.

'Quod populus Hermundulus hominesque populi Hermunduli adversus populum Romanum bellum fecere deliqueruntque; quodque populus Romanus cum populo Hermundulo hominibusque Hermundulis bellum iussit; ob eam rem ego populusque Romanus populo Hermundulo hominibusque Hermundulis bellum dico facioque.' Gell. xvi. 4.

Cum Pyrrhi temporibus adversum transmarinum hostem bellum Romani gesturi essent, nec invenirent locum, ubi hanc solemnitatem per fetiales indicendi belli celebrarent, dederunt operam ut unus de Pyrrhi militibus caperetur, quem fecerunt in Circo

Flaminio locum emere et quasi in hostili loco ius belli indicendi implerent. Denique in eo loco ante pedem Bellonae consecrata est columna. Serv. ad Aen. ix. 53.

(*c*) Formula noxae dedendi post cladem Caudinam.

V. C. 534=A. C. 318.

Fetiales ubi ad portam venere vestem detrahi pacis sponsoribus iubent, manus post tergum vinciri. Quum apparitor verecundia maiestatis Postumium laxe vinciret, 'Quin tu,' inquit, 'adduces lorum, ut iusta fiat deditio?' Tum ubi in coetum Samnitium et ad tribunal ventum Pontii est A. Cornelius Arvina fetialis ita verba fecit:—

'Quandoque hisce homines iniussu populi Romani Quiritium foedus ictum iri spoponderunt, atque ob eam rem noxam nocuerunt; ob eam rem, quo populus Romanus scelere impio sit solutus, hosce homines vobis dedo.'

Haec dicenti fetiali Postumius genu femur, quanta maxime poterat vi, perculit et clara voce ait, 'Se Samnitem civem esse, illum legatum; fetialem a se contra ius gentium violatum; eo iustius bellum gesturos.' Liv. ix. 10.

(*d*) Formula foederis feriendi. V. C. 88=A. C. 666.

Foedera alia aliis legibus caeterum eodem modo omnia
4 fiunt. Tum ita factum accepimus nec ullius vetustior foederis memoria est. Fetialis regem Tullium ita rogavit 'Iubesne rex, cum patre patrato populi Albani foedus ferire?' Iubente rege 'Sagmina, inquit, te rex posco.' Rex ait '[Puram] tollito.' Fetialis ex arce graminis herbam puram attulit, postea
5 regem ita rogavit, 'Rex facisne me tu regium nuntium populi Romani Quiritium, vasa comitesque meos?' Rex respondit 'quod sine fraude mea populique Romani Quiritium fiat,
6 facio.' Fetialis erat M. Valerius. Is patrem patratum Sp. Fusium fecit, verbena caput capillosque tangens. Pater patratus ad iusiurandum patrandum, id est sanciendum fit foedus, multisque id verbis, quae longo effata carmine non
7 operae est referre, peragit. Legibus deinde recitatis 'Audi, inquit, Iuppiter, audi pater patrate populi Albani, audi tu populus Albanus, ut illa palam prima postrema ex illis tabulis

cerave recitata sunt sine dolo malo, utique ea hic hodie rectissime intellecta sunt, illis legibus populus Romanus prior
8 non deficiet. Si prior defexit, publico consilio, dolo malo, tum, illo die Diespiter, populum Romanum sic ferito, ut ego hunc porcum hic hodie feriam, tantoque magis ferito, quanto
9 magis potes pollesque.' Id ubi dixit, porcum saxo silice percussit. Sua item carmina Albani suumque iusiurandum per suum dictatorem suosque sacerdotes peregerunt. Liv. i. 24.

(*e*) 1. Sagmina vocantur verbenae id est herbae purae quia ex loco sancto arcebantur (Müller; *arce dantur*, Huschke) a consule praetoreve legatis proficiscentibus ad foedus faciendum bellumque indicendum. Fest. p. 321.

2. Certe utroque nomine idem significatum est gramen ex arce cum sua terra revulsum, ac semper e legatis, cum ad hostes clarigatumque mitterentur, id est res raptas clare repetitum, unus ubique verbenarius vocabatur. Plin. N. H. xxii. 2.

3. *Ad finem belli Punici secundi*, V. C. 553 = A. C. 201. Fetiales quum in Africam ad foedus feriendum ire iuberentur ipsis postulantibus Sctum factum est in haec verba :—

'Ut privos lapides silices privasque verbenas secum ferrent, et ubi praetor Romanus iis imperaret ut foedus ferirent, illi praetorem sagmina poscerent.'

Herbae id genus ex arce sumptum fetialibus dari solet. Liv. xxx. 43.

(*f*) Iuramentum Fetialium.

1. Feretrius Iuppiter dictus a ferendo quod pacem ferre putabatur; ex cuius templo sumebant sceptrum per quod iurarent et lapidem silicem, quo foedus ferirent. Fest. Ep. p. 92.

2. Lapidem silicem tenebant iuraturi per Iovem haec verba dicentes :—

'Si sciens fallo tum me Diespiter salva urbe arceque bonis eiiciat, uti ego hunc lapidem.' Fest. Ep. p. 115.

3. Τὸν δὲ ὅρκον ὀμνύειν ἔδει τοιοῦτον, Καρχηδονίους μὲν τοὺς θεοὺς τοὺς πατρῴους, Ῥωμαίους δὲ ἐπὶ μὲν τῶν πρώτων συνθηκῶν Δία λίθον κατά τι πάλαιον ἔθος, ἐπὶ δὲ τούτων τὸν Ἄρην καὶ τὸν Ἐννάλιον. Ἔστι δὲ τὸ Δία λίθον τοιοῦτον· λαβὼν εἰς τὴν χεῖρα λίθον ὁ ποιούμενος

τὰ ὅρκια περὶ τῶν συνθηκῶν, ἐπειδὰν ὀμόσῃ δημοσίᾳ πίστει, λέγει τάδε·

'εὐορκοῦντι μέν μοι εἴη τἄγαθα· εἰ δ' ἄλλως διανοηθείην τι ἢ πράξαιμι, πάντων τῶν ἄλλων σωζομένων ἐν ταῖς ἰδίαις πατρίσιν, ἐν τοῖς ἰδίοις νόμοις, ἐπὶ τῶν ἰδίων βίων, ἱερῶν, τάφων, ἐγὼ μόνος ἐκπέσοιμι οὕτως ὡς ὅδε λίθος νῦν.'

καὶ ταῦτ' εἰπὼν ῥίπτει τὸν λίθον ἐκ τῆς χειρός. Polyb. iii. 25, v. c. 474; cp. Gell. i. 21.

2. FORMULAE IURIS IURANDI MILITARIS CETERAQUE SIMILIA.

(a) Sacramentum militare.

1. Ἐπιτελεσθείσης δὲ τῆς καταγραφῆς τὸν προειρημένον τρόπον, ἀθροίσαντες τοὺς ἐπιλελεγμένους οἱ προσήκοντες τῶν χιλιάρχων καθ' ἕκαστον στρατόπεδον, καὶ λαβόντες ἐκ πάντων ἕνα τὸν ἐπιτηδειότατον, ἐξορκίζουσιν ἦ μὴν πειθαρχήσειν καὶ ποιήσειν τὸ προσταττόμενον ὑπὸ τῶν ἀρχόντων κατὰ δύναμιν· οἱ δὲ λοιποὶ πάντες ὀμνύουσι καθ' ἕνα προπορευόμενοι, τοῦτ' αὐτὸ δηλοῦντες ὅτι ποιήσουσι πάντα καθάπερ ὁ πρῶτος. Polyb. vi. 21.

2. Πάντες ὀμωμόκασι τὸν στρατιωτικὸν ὅρκον, ἀκολουθήσειν τοῖς ὑπάτοις, ἐφ' οὓς ἂν καλῶνται πολέμους καὶ μήτ' ἀπολείψειν τὰ σημεῖα μήτ' ἄλλο πράξειν μηδὲν ἐνάντιον τῷ νόμῳ. Dion. Hal. x. 18; cp. xi. 43.

3. Apud maiores nostros tria erant militiae genera in bellis gerendis. Nam aut legitima erat militia aut coniuratio aut evocatio. Legitima erat militia eorum, qui singuli iurabant, pro re publica se esse facturos: nec discedebant nisi completis stipendiis i. e. militiae temporibus, et sacramentum vocabatur. Aut certe si esset tumultus i. e. bellum Italicum vel Gallicum, in quibus ex periculi vicinitate erat timor multus; quia singulos singulos interrogare non vacabat, qui fuerat ducturus exercitum ibat ad Capitolium et exinde proferens duo vexilla, unum russeum quod pedites evocabat, et unum caeruleum quod erat equitum...dicebat 'Qui rempublicam salvam esse vult, me sequatur.' Et qui convenissent simul iurabant et dicebatur ista militia coniuratio. Fiebat etiam evocatio; nam ad diversa

loca diversi propter cogendos mittebantur exercitus. Serv. ad Aen. viii. 1, cp. ad Aen. ii. 157, iuraret se nihil contra r. p. facturum: et ad vii. 614, iurat se non recedere nisi praecepto consulis post completa stipendia . . . scilicet xxv annos.

4. Praeiurationes facere dicuntur hi, qui ante alios conceptis verbis iurant: post quos in eadem verba iurantes tantummodo dicunt, 'idem in me.' Fest. Epit. p. 224.

(*b*) Sacramentum gladiatorum.

Quod maximum vinculum est ad bonam mentem, promisisti virum bonum: sacramento rogatus es. Deridebit te, si quis tibi dixerit mollem esse militiam et facilem: noli te decipi: eadem honestissimi huius et illius turpissimi auctoramenti verba sunt, 'uri vinciri ferroque necari.' Sen. Ep. 37, 1, cp. Petron. Sat. 117. In verba Eumolpi sacramentum iuravimus: uri vinciri verberari ferroque necari, et quicquid aliud Eumolpus iussisset. Tanquam legitimi gladiatores domino corpora animasque religiosissime addicimus. (Vide adnotata.)

(*c*) Iusiurandum militum.

1. Ad v. c. 294 = a. c. 458.

'Nobis vero' inquit Quinctius 'nihil delectu opus est; cum quo tempore P. Valerius ad recipiendum Capitolium arma plebi dedit, omnes in verba iuraverint conventuros se iussu consulis nec iniussu abituros.' Liv. iii. 20.

2. Ad v. c. 556 = a. c. 218, iusiurandum secvndvm, ex voluntario ad legitimum translatum.

Tum, quod nunquam antea factum est, iureiurando ab tribunis militum adacti milites [iussu consulum conventuros neque iniussu abituros]. Nam ad eam diem nihil praeter sacramentum fuerat; et, ubi ad decuriatum aut centuriatum convenissent, sua voluntate ipsi inter sese decuriati equites centuriati pedites coniurabant, sese fugae atque formidinis ergo non abituros neque ex ordine recessuros, nisi teli sumendi aut petendi et aut hostis feriendi aut civis servandi caussa. Id ex voluntario inter ipsos foedere ad tribunos ac legitimam iurisiurandi adactionem translatum. Liv. xxii. 38.

3. L. Paullo et C. Varrone consulibus milites primo iureiurando

facti sunt, antea enim sacramento tantummodo a tribunis rogabantur: ceterum ipsi inter se coniurabant, se fugae atque formidinis caussa non abituros, neque ex ordine recessuros, nisi teli petendi feriendivi hostis aut civis servandi causa. Frontin. iv. 1, 4.

(*d*) Conventus militum die condicto, et iusiurandum castrense, sive tertium.

Τοιαύτην δὲ ποιησάμενοι τὴν διαίρεσιν οἱ χιλίαρχοι, καὶ ταῦτα παραγγείλαντες περὶ τῶν ὅπλων, τότε μὲν ἀπέλυσαν τοὺς ἄνδρας εἰς τὴν οἰκείαν· παραγενομένης δὲ τῆς ἡμέρας, εἰς ἣν ὤμοσαν ἀθροισθῆναι πάντες ὁμοίως εἰς τὸν ἀποδειχθέντα τόπον ὑπὸ τῶν ὑπάτων· τάττει δ' ὡς ἐπίπαν ἑκάτερος χωρὶς τὸν τόπον τοῖς αὑτοῦ στρατοπέδοις· ἑκατέρῳ γὰρ δίδοται τὸ μέρος τῶν συμμάχων καὶ δύο τῶν Ῥωμαικῶν στρατοπέδων· παραγίγνονται δὲ πάντες ἀδιαπτώτως οἱ καταγραφέντες, ὡς ἂν μηδεμιᾶς ἄλλης συγχωρουμένης προφάσεως τοῖς ἐξορκισθεῖσι πλὴν ὀρνιθείας καὶ τῶν ἀδυνάτων. Polyb. vi. 26.

Μετὰ δὲ τὴν στρατοπεδείαν συναθροισθέντες οἱ χιλίαρχοι τοὺς ἐκ τοῦ στρατοπέδου πάντας ἐλευθέρους ὁμοῦ καὶ δούλους ὁρκίζουσι, καθ' ἕνα ποιούμενοι τὸν ὁρκισμόν· ὁ δ' ὅρκος ἐστὶ μηδὲν ἐκ τῆς παρεμβολῆς κλέψειν ἀλλὰ κἂν εὕρῃ τι, τοῦτ' ἀνοίσειν εἰς τοὺς χιλιάρχους. Ibid. 33.

(*e*) Iusiurandum castrense (necnon formula ex sacramento?).

Item in libro eiusdem Cincii de re militari quinto ita scriptum est. Cum dilectus antiquitus fieret et milites scriberentur iusiurandum eos tribunus militaris adigebat in verba haec,

(Magistratus verba).—'C. Laelii C. filii consulis L. Cornelii P. filii consulis in exercitu decemque milia passuum prope, furtum non facies dolo malo solus neque cum pluribus pluris nummi argentei in dies singulos; extraque hastam hastile pom[um] pabulum utrem follem faculam, si quid ibi inveneris sustulerisve quod tuum non erit quod pluris nummi argentei erit, uti tu ad C. Laelium C. filium consulem Luciumve Cornelium P. filium consulem, sive quem ad uter eorum iusserit, proferes aut profitebere in triduo proximo: quidquid inveneris sustulerisve sine dolo malo, aut domino suo cuium id censebis esse reddes, uti quod recte factum esse voles.'

Militibus autem scriptis dies praefiniebatur, quo die adessent

et citanti consuli responderent; deinde ita concipiebatur iusiurandum ut adessent his additis exceptionibus, 'Nisi harunce quae causa erit, funus familiare, feriaeve denicales quae non eius rei causa in eum diem collatae sint, quo is eo die minus ibi esset; morbus sonticus, auspiciumve quod sine piaculo praeterire non liceat, sacrificiumve anniversarium quod recte fieri non posset nisi ipsus eo die ibi sit; vis, hostesve, status condictusve dies cum hoste. Si cui eorum harunce quae causa erit, tum se postridie quam per eas causas licebit eo die venturum adiuturumque eum qui eum pagum vicum oppidumve delegerit.'

Item in eodem libro verba haec sunt:—Miles cum die qui prodictus est aberat neque excusatus erat infrequens dabatur[1]. Gell. xvi. 4, 2–5.

(*f*) Sacramentum post missionem renovatum.

[Cato ad Popilium scripsit ut si eum (*filium*) pateretur in exercitu remanere, secundo eum obliget militiae sacramento, quia, priore amisso iure cum hostibus pugnare non poterat. Adeo summa erat observatio in bello movendo]. M. quidem Catonis senis est epistula ad Marcum filium, in qua scribit se audisse eum missum factum a consule, cum in Macedonia bello Persico miles esset. Monet igitur, ut caveat, ne proelium ineat. Negat enim ius esse qui miles non sit cum hoste pugnare. Cic. de Off. i. 11, 36, 37, Cato, ed. Jordan, p. 84, cp. Plut. Qu. Rom. 39, τοῖς μὴ στρατευομένοις . . . οὐκ ἐξῆν ἄνδρα βαλεῖν πολέμιον οὐδὲ τρῶσαι, κ.τ.λ.

(*g*) Iusiurandum pro re nata victoriae caussa.

v. c. 274 = a. c. 478.

Centurio erat M. Flavoleius inter primores pugnae flagitator. 'Victor,' inquit, 'M. Fabi, revertar ex acie.' Si fallat, Iovem patrem, Gradivumque Martem, aliosque iratos invocat deos. Idem deinceps omnis exercitus in se quisque iurat. Liv. ii. 45.

(*h*) Iusiurandum a P. Scipione inpositum coniurationis opprimendae caussa. v. c. 536 = a. c. 216.

Pergit ire sequentibus paucis in hospitium Metelli: et cum

[1] *censebatur*, Huschke, collatis Fest. Ep. v. *censionem facere*, Plaut. Truc. ii. 1, 19.

concilium ibi iuvenum, de quibus allatum erat, invenisset, stricto super capita consultantium gladio, 'Ex mei animi sententia,' inquit, 'ut ego rempublicam populi Romani non deseram neque alium civem Romanum deserere patiar. Si sciens fallo, tum me, Iuppiter optime maxime, domum, familiam, remque meam pessimo leto afficias! In haec verba, L. Caecili, iures postulo, ceterique, qui adestis: qui non iuraverit in se hunc gladium strictum esse sciat.' Liv. xxii. 53.

3. FORMULA DEVOTIONIS DECII MAIORIS AD VESERIM BELLO LATINO. V.C. 415 = A.C. 341.

9, 4 In hac trepidatione Decius consul M. Valerium magna
voce inclamat: 'Deorum,' inquit, 'ope Valeri opus est. Age-
dum, pontifex publicus populi Romani, praei verba quibus
5 me pro legionibus devoveam.' Pontifex eum togam prae-
textam sumere iussit, et velato capite, manu subter togam
ad mentum exserta, super telum subiectum peditus stantem
sic dicere:—

6 'Iane, Iuppiter, Mars pater, Quirine, Bellona, Lares, Divi
Novensiles, Di Indigetes, Divi quorum est potestas nostro-
7 rum hostiumque, Diique Manes, vos precor veneror veniam
peto feroque uti populo Romano Quiritium vim victoriam-
que prosperetis; hostesque populi Romani Quiritium terrore
8 formidine morteque adficiatis. Sicut verbis nuncupavi
ita pro re publica *populi Romani* Quiritium exercitu legioni-
bus auxiliis populi Romani Quiritium legiones auxiliaque
hostium mecum Deis Manibus Tellurique devoveo.'

9 Haec ita precatus lictores ire ad T. Manlium iubet ma-
tureque collegae se devotum pro exercitu nuntiare. Ipse
incinctus cinctu Gabino, armatus in equum insiluit ac se
10 in medios hostes inmisit. Conspectus ab utraque acie ali-
quanto augustior humano *habitu* visus, sicut caelo missus
piaculum omnis deorum irae, qui pestem ab suis aversam
11 in hostes ferret. Ita omnis terror pavorque cum illo latus
signa primo Latinorum turbavit deinde in totam penitus
aciem pervasit. . . . .

10, 10 Postero die iuventum (*corpus*) inter maximam hostium

stragem coopertum telis, funusque ei par morti celebrante
11 collega factum est. Illud adiciendum videtur licere consuli
dictatorique et praetori cum legiones hostium devoveat, non
utique se, sed quem velit ex legione Romana scripta civem
12 devovere; si is homo qui devotus est moritur, probe factum
videri; ni moritur tum signum septem pedes altum aut
maius in terram defodi et piaculum hostiam caedi. Ubi
illud signum defossum erit, eo magistratum Romanum escen-
dere fas non esse. Sin autem sese devovere volet, sicuti
Decius devovit, ni moritur, neque suum neque publicum
divinum pure faciet qui sese devoverit. Vulcano arma sive
14 cui alii divo vovere volet, sive hostia sive quo alio volet, ius
est. Telo super quod stans consul precatus est hostem potiri
fas non est: si potiatur Marti suovetaurilibus piaculum fieri.
Liv. viii. 9, 10.

4. CARMINA EVOCATIONIS ET DEVOVENDAE CIVITATI.

(*a*) Repperi in libro quinto Rerum reconditarum Sammonici Sereni utrumque carmen, quod ille se in cuiusdam Furii vetustissimo libro repperisse professus est. Est autem carmen huiusmodi quo di evocantur cum oppugnatione civitas cingitur:—

Si deus si dea est cui populus civitasque Carthaginiensis est in tutela, teque Maxime ille qui urbis huius populique tutelam recepisti, precor venerorque veniamque a vobis peto ut vos populum civitatemque Carthaginiensem deseratis, loca templa sacra urbemque eorum relinquatis, absque his abeatis, eique populo civitatique metum formidinem oblivionem iniciatis, proditique Romam ad me meosque veniatis; nostraque vobis loca templa sacra urbs acceptior probatiorque sit, mihique populoque Romano militibusque meis praepositi sitis, ut sciamus intellegamus que. Si ita feceritis voveo vobis templa ludosque facturum.

In eadem verba hostias fieri oportet auctoritatemque videri extorum, ut ea promittant futura.

(*b*) Urbes exercitusque sic devoventur iam numinibus evocatis sed dictatores imperatoresque soli possunt devovere his verbis:—

Dis pater Veiovis Manes sive quo alio nomine fas est

nominare, ut omnes illam urbem Carthaginem exercitumque, quem ego me sentio dicere, fuga formidine terroreque conpleatis; quique adversum legiones exercitumque nostrum arma telaque ferent, uti vos eum exercitum eos hostes eosque homines, urbes agrosque eorum, et qui in his locis regionibusque agris urbibusve habitant, abducatis, lumine supero privetis, exercitumque hostium, urbes agrosque eorum quos me sentio dicere, uti vos eas urbes agrosque, capita aetatesque eorum devotas consecratasque habeatis, illis legibus quibus quandoque sunt maxime hostes devoti; eosque ego vicarios pro mea fide magistratuque meo, pro populo Romano exercitibus legionibusque nostris do, devoveo, ut me meamque fidem imperiumque legiones exercitumque nostrum qui in his rebus gerundis sunt bene salvos siritis esse. Si haec ita faxitis ut ego sciam sentiam intellegamque, tunc quisquis hoc votum faxit ubi faxit recte factum esto ovibus atris tribus. Tellus mater teque Iupiter obtestor.

Cum Tellurem dicit, manibus terram tangit: cum Iovem dicit, manus ad caelum tollit: cum votum recipere dicit, manibus pectus tangit. In antiquitatibus autem haec oppida inveni devota: * Stonios, Fregellas, Gavios, Veios, Fidenas, haec intra Italiam, praeterea Carthaginem et Corinthum; sed et multos exercitus oppidaque hostium, Gallorum, Hispanorum, Afrorum, Maurorum, aliarumque gentium quas prisci locuntur annales. Macrob. Sat. iii. 9.

5. FORMULA VERIS SACRI VOVENDI.

(1) Ver sacrum vovendi mos fuit Italis. Magnis enim periculis adducti vovebant, quaecunque proximo vere nata essent apud se animalia immolaturos. Sed quum crudele videretur pueros et puellas innocentes interficere, perductos in adultam aetatem velabant atque ita extra fines suos exigebant. Fest. Epit. p. 579 M.: vide etiam s. v. *Mamertini*, p. 158, et *Sacrani*, p. 321.

(2) *Ver sacrum* votum A. V. C. 535 post cladem Trasimenensem.

10, 1 His senatus consultis perfectis L. Cornelius Lentulus pontifex maximus, consulente collegium praetore, omnium
2 primum populum consulendum de vere sacro censet: iniussu populi voveri non posse. Rogatus in haec verba populus:—

Velitis iubeatisne haec sic fieri? Si respublica populi
Romani Quiritium ad quinquennium proximum steterit *ut*
velim, eamque salvam servaverit hisce duellis datum do-
num duit populus Romanus Quiritium: quod duellum
populo Romano cum Carthaginiensi est, quaeque duella
3 cum Gallis sunt, qui cis Alpes sunt: quod ver attulerit ex
suillo, ovillo, caprino, bovillo grege, quaeque profana
erunt, Iovi fieri, ex qua die senatus populusque iusserit.
4 Qui faciet, quando volet, quaque lege volet, facito: quo-
5 modo faxit probe factum esto. Si id moritur quod fieri
oportebit profanum esto neque scelus esto. Si quis rumpet
occidetve insciens, ne fraus esto. Si quis clepsit ne populo
scelus esto, neve cui cleptum erit. Si atro die faxit in-
sciens probe factum esto. Si nocte, sive luce, si servus,
sive liber faxit, probe factum esto. Si antidea ac senatus
populusque iusserit fieri, faxitur, eo populus solutus liber
esto. Liv. xxii. 10.

(3) V.C. 557. Consules ... ver sacrum ex decreto pontificum iussi facere ... Annis post uno et viginti factum est quam votum. Id. xxxiii. 44.

(4) V.C. 558. Ver sacrum factum erat priore anno M. Porcio et L. Valerio consulibus. Id cum P. Licinius pontifex non esse recte factum collegio primum, deinde ex auctoritate collegi Patribus renuntiasset, de integro faciendum arbitratu pontificum censuerunt, ludosque magnos, qui una voti essent, tanta pecunia quanta assoleret faciendos. Ver sacrum videri pecus quod natum esset inter Kal. Martias et pridie Kal. Maias P. Cornelio et Ti. Sempronio consulibus. Liv. xxxiv. 44.

6. FORMULA ADROGATIONIS.

Adrogatio autem dicta quia genus hoc in alienam familiam transitus per populi rogationem fit. Eius rogationis verba haec sunt: 'Velitis, iubeatis, uti L. Valerius L. Titio tam iure legeque filius siet, quam si ex eo patre matreque familias eius natus esset, utique ei vitae necisque in eum potestas siet uti patri endo filio est. Haec ita uti dixi, ita vos Quirites rogo.' Gell. v. 19.

Sectio Secunda.

POETARUM ANTIQUORUM FRAGMENTA ORDINE CHRONOLOGICO DISPOSITA.

Cap. I.—Vaticinationes.

(*Ante Bellum Punicum Secundum.*)

1. Ex Livio v. 16: (in Veiorum obsidione) Legati ab Delphis venerunt, sortem oraculi adferentes congruentem responso captivi vatis:—

Romane, aquam Albanam cave lacu contineri, cave in mare manare suo flumine sinas: emissam per agros rigabis, dissipatamque rivis exstingues. Tum tu insiste audax hostium muris, memor, quam per tot annos obsides urbem, ex ea tibi his quae nunc panduntur fatis victoriam datam. Bello perfecto donum amplum victor ad mea templa portato: sacraque patria quorum omissa cura est instaurata ut adsolet facito.

2. Ex Livio xxv. 12 ed. Madvig: Ex huius Marcii duobus carminibus alterius post rem factam editi comprobata auctoritas eventu alteri quoque, cuius nondum tempus venerat, afferebat fidem. Priore carmine Cannensis praedicta clades in haec fere verba erat:—

Amnem Troiugena [Romane] Cannam fuge: ne te alienigenae cogant in campo Diomedis conserere manus. Sed neque credes tu mihi, donec compleris sanguine campum, multaque millia occisa tua deferet amnis in pontum magnum ex terra frugifera: piscibus atque avibus ferisque quae incolunt terras, iis fuat esca caro tua; nam mihi ita Iuppiter fatus est.

3. Carmen de ludis vovendis eiusdem Marcii. U.C. 540 = A.C. 214.

Liv. xxv. 12. ed. Madvig.

Hostem Romani si expellere vultis vomicam*que*, quae gentium venit longe, Apollini vovendos censeo ludos qui quotannis comiter Apollini fiant: quum populus dederit ex publico partem, privati uti conferant pro se atque suis. Iis ludis faciendis praeerit praetor is, qui ius populo plebeique dabit summum. Decemviri Graeco ritu hostiis sacra faciant. Hoc si recte facietis, gaudebitis semper, fietque res vestra melior. Nam is divus exstinguet perduelles vestros, qui vestros campos pascit (*al* pascunt) placide.

Macrob. Sat. i, 17, 28 ed. Jan.

Hostem Romani si ex agro expellere vultis vomicam quae gentium venit longe, Apollini censeo vovendos ludos, qui quotannis comiter Apollini fiant. His ludis faciendis praesit is praetor qui ius populo plebique dabit summum. Decemviri Graeco ritu hostiis sacra faciant. Hoc si recte facietis gaudebitis semper, fietque res publica melior. Nam is divus extinguet perduelles vestros qui vestros campos pascunt placide.

4. Quamvis monentium duonum negumate.

Ex Festo p. 165, *monentium*, Corssen; *moventium*, cod.

Cap. II.—Livii Andronici Fragmenta.

Circa v.c. 470–550 = A.C. 284–204.

Ex Odissia quae supersunt omnia.

1 Virúm mihí Caména ínsecé versútum. (Hom. Od. i. 1.)
2 Patér nostér Satúrni fílie . . . . (i. 45, 81.)
3 Meá puerá quid vérbi ex tuo ore súpra fúgit? (i. 64, etc.)
4 Meá puér quid vérbi éx tuo óre aúdio? (i. 64.)
neqúe tam *téd* oblítus súm Laértie nóster. (i. 65.)

Livius. 1. Gell. xviii. 9, 5. 2. Prisc. vii. p. 305, Hertz. 3. Prisc. vi. p. 231 H; *supera*, Fleckeisen. 4. Charisius, i. p. 84, 8 K; *audivi*, Keil. 5. Prisc. vii. p. 301 H; *tamen*, MSS.: *tam ted*, Fleck.; *tamen te*, H.

6 Argénteó polúbro aúreó e*x* gút*t*o. (i. 136.)
7 Quae haéc daps ést, qui féstus díes? *quíd tibí rest?* (i. 225.)
8 *Meám* matrém prócitum plúrimí venérunt. (i. 248.)
9 Quandó diés advéniet quém profáta Mórta est. (? ii. 100.)
(vel potius x. 175.)
10 *Aut* ín Pylúm advénie*n*s aút ibí omméntans. (ii. 317.)
11 Tuncqué remós iússit réligáre strúppis. (? ii. 422.)
12 Ibídemqué vir súmmus ádprimús Patrícoles. (iii. 110.)
13 Atqué escás habe*á*mus méntiónem . . . . . (iv. 213
vel. x. 177.)
14 Partím erránt, nequínont Graéciám redíre. (? iv. 495.)
15 Sanctá puér Satúrni fíliá regína. (iv. 513; ? Il. v. 721.)
16 Apúd nimphám Atlántis fíliám Calipsónem. (iv. 557.)
17 Igitúr demum Úlixí cor fríxit praé pavóre. (v. 297.)
18 Utrúm genuá amplóctens vírginém oráret. (vi. 142.)
19 Ibí manéns sedéto, dónicúm vidébis.
me cárpentó vehéntem dómum venísse *pátris*. (vi. 295, 296.)
21 *Opús* puerárum mánibus cónfectúm pulcérrime. (vii. 235.)
22 Simulác lacrimás de óre noégeó detérsit. (viii. 88.)
23 námque núllum
peius mácerát h*o*m*ó*n*e*m, quámde máre saévum,
viré*s* cuí sunt mágnae; tópper cónfríngent
eás inpórtunae únd*ae*. (viii. 138, 139.)
27 Mercúrius cúm eóque fíliús Latónas. (viii. 322.)
28 nam díva
Monétas fília dócuit. (viii. 481.)

6: Non. p. 544 M; *aureo et glutro*, MS.; *aureo eglutro* = ἐκλούτρῳ, Müller, Fest. p. 396; *et aureo gutto*, vulg. corr.; *et aureo ex gutto*, Guenther. 7. Prisc. vii. p. 321 H; *quae haéc tándem dáps et quí festús diés est*, corr. Guenther; supplevi dubitans *quíd tibí rest?* 8. Fest. Ep. p. 225; s. v. procitum sine scriptoris nomine. Scr., fortasse *procítum*. 9. Gell. iii. 16, 11; *quam*, Guenther. 10. Fest. p. 190, v. ommentans. 11. Isidor, Orig. xix. 4, v. struppi; *statimque*, Guenth. 12. Gell. vi. 7. 13. Prisc. vi. p. 198 H. 14. Fest. p. 162 M, s. v. nequinont; *neque nunc*, codd. 15. Prisc. vi. p. 232 H. 16. Prisc. vi. p. 210 H. 17. Serv. ad Aen. i. 92. 18. Diomedes, i. p. 384 K. 19. Charis. ii. p. 197 K; *vehementem*, cod. Bob.; *patris*, addidi ex Homero; *parentis*, Ritschl. 21. Prisc. vi. p. 231 H; *opus*, add. Guenther; *hercle* vel *ecce* vel simili, Fleckeisen. 22. Fest. p. 174 M, s. v. noegeum. 23–26. Fest. p. 352 M, s. v. topper; cod. *humanum, viret, unde; homonem*, Urs.; *hemonem*, Herm.; *eas*, add. Guenther et *sint* pro *sunt*. Fortasse ita transponendum est et notandum *namqué nullúm péius mácerát homónem* | *virés quoieí sunt mágnae, quámde máre saévom* | *toppér* (*eás*) *confríngent ínportúnae úndae.* 27, 28. Prisc. iii. p. 198.

30 nexébant múlta intér se fléxu nódórum
dubió. (? vii. 106.)
32 Inferus an superus tibi fert deus funera Ulixes. (xi. 134, 135.)
33 Toppér facít homónes verís *vel* sueris. (x. 432.)
34 Toppér cití ad aédis vénimús Circáí. (xii. 9.)
Simúl duoná eórum pórtant ád náves:
milía aliá in ísdem ín*ter*sérinúntur. (xii. 17–19.)
37 . . . . *síc* quoque fítum est. (xiii. 40.)
38 Parcéntes praémodúm . . . . . . (? xiv. 92.)
39 Quoniám audívi paúcis gávisí . . . .
40 Vestís pullá purpúrea ámpla . . . . (xix. 225.)
41 Cum socios nostros mandisset impius Cyclops. (xx. 19.)
42 At celer hasta volans perrumpit pectora ferro. (xxii. 82.)
43 Carnís vinúmque quód libábant ánclabátur. (xxiii. 304.)
44 Iam in áltum expúlsa líntre . . . . (ix. 487.)
†45 Aurátaé vagínae bálteá auráta (? Il. xi. 29.)
illís eránt . . . .
†46 . . . . áffatim édi
bibí lusí . . . . (? cp. xv. 373.)
*48 Dequé manibús dextrábus . . . . (ii. 396.)

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30. Prisc. ix. p. 469; x. p. 538; Diomed. i. p. 369 K; *nexebant*, *nexabant*, *nexabat*, etc., codd. 32. Prisc. iii. p. 96. 33. Fest. Ep. p. 352 M; *topper facit homines utrius fuerint*, cod.; *faciet*, Herm; *homones*, Muell.; *veris sueris*, Scal. 34. Fest. p. 352 M; *topper citi ad aedis venimus Circae simul duona eorum portant ad navis. Milia alia in isdem inserinuntur*, cod.; *coram*, Mueller, vide adnotata; *interserinuntur*, Ritschl, de Miliario Popiliano, p. 18. 37. Non. p. 475, s. v. fite *fit quoque fitum est*, codd.; *sic*, Herm.; *ait quoque* (sc. Livius) '*fitum est*,' Passer. probante Quicherat. 38. Gell. vi. 7, 12. 39. Prisc. ix. p. 482, *gavisi* pro *gavisus sum*. 40. Non. p. 368, s. v. pullum. 41. Prisc. viii. p. 419. Forsan scribendum: *cum sócios nóstros Cýclops ímpiús mandísset*. 42. Prisc. vii. p. 335. 43. Prisc. vi. p. 208. 44. Prisc. v. p. 151. †45. Non. p. 194, s. v. balteus *aurata baltea*, sed vide adnotata: ex Odysseia vix esse potest. †46. Fest. p. 11. Scaliger ad Odyss. refert, ad comoediam incertam probabilius Ribbeck. *48. Non. p. 493, 15, omisit, Guenther.

Cap. III.—Cn. Naevii Fragmenta.

SCRIPSIT POST V.C. 519 = A.C. 235.

Ex Punicorum libris quae supersunt omnia.

Lib. I.

1 Novém Iovís concórdes fíliaé soróres.
2 Postquám avé*s* aspéxit ín trempló Anchíses,
sacra ín mensá Penátium órdiné ponúntur:
aur*át*am*que* ímmolábat víctimám púlcram.
5 . . . rés divás edícit, praédicít cástus.
6 ei venít in ménte*m* hóminum fórtúnas.
7 ámborúm uxóres
noctú Troiád exíbant cápitibús opértis,
flentés ambaé, abeúntes lácrimís cum múltis.
10 Eorúm sectám sequúntur múlti mórtáles.
. . . . múlti alií e Troía
strenuí virí . . . .
ubí forás cum aúro íllue éxíbant.

Serv. in Aen. i. 170: 'Novam tamen rem Naevius bello Punico dicit unam navem habuisse Aeneam quam Mercurius fecerit.'

14 Senéx fretús pietáte [deum] ádlocútus súmmi
deúm regís fratrém Neptúnum régnatórem
marúm.

Serv. in Aen. i. 198: 'O socii, etc., et totus hic locus de Naevio belli Punici lib. translatus est.'

Macrobius, Sat. vi. 2, 30: 'Sunt alii loci plurimorum versuum

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Naevius Punic. 1. Marius Vic. de versu Sat. p. 2587 P. 191 G. 2. Prob. in Verg. Ecl. vi. 31, qui ad lib. iii refert; *autem, avem*, codd.; *Anchisa*, Vahlen, coll. Quint. i. 5, 61, Charis. i. p. 9 L; *immolabat auream*, codd. emend. Keil. 5. Non. p. 197, s. v. castitas; utramque thesin supprimit Vahlen. 6. Prisc. vi. p. 199 H; *mente*, codd. 7. Serv. in Aen. iii. 10; *Troiade*, codd.; corr. Vossius. 10 Serv. in Aen. ii. 797. 14. Prisc. vii. p. 352 H; *pietate, pietati*, codd; *pietatei*, Vahlen; *deum* uncis seclusi.

quos Maro in opus suum cum paucorum inmutatione verborum a veteribus transtulit . . . in principio Aeneidos tempestas describitur et Venus apud Iovem queritur de periculis filii, et Iuppiter eam de futurorum prosperitate solatur. Hic locus totus sumptus a Naevio est ex primo libro belli Punici. Illic enim aeque Venus Troianis tempestate laborantibus cum Iove queritur et secuntur verba Iovis filiam consolantis spe futurorum.'

17 Patrém suúm suprémum óptumúm adpéllat.

Serv. in Aen. iv. 9: 'Anna soror. Cuius filiae fuerint Anna et Dido Naevius dixit.'

18 Ferúnt pulcrós cratéras aúreás lepístas.
19 Blande ét docté percóntat Aéneás quo pácto
Troiam úrbem líquerít . . . .

Lactantius, Div. Inst. i. 6: 'Quartam (sc. Sibyllam) Cimmeriam in Italia, quam Naevius in libris belli Punici, Piso in annalibus nominat.'

Serv. in Aen. ix. 715: 'Prochyta . . . hanc Naevius in primo belli Punici de cognata Aeneae nomen accepisse dicit.' Cf. auctorem de origine Gentis Rom. c. 10.

21 sílvicolaé hómines
Bellíque inértes.
23 Ineránt signá expréssa quó modó Titáni,
bicórporé*s* Gigántes mágniqué Atlántes,
Runcús atqué Purpúreus fílií térras . . .

E Libro Secundo.

26 Iamque eiús mentém fortúna fécerát quiétem.
27 *Manú*sque súsum ad caélum sústulít suás re*x*
Amúl*i*us grátulátur dívis . . . . . .

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17. Varro, L. L. vii. 51. 18. Plotius de Sat. Metro, p. 2650 P; Atil. Fort. p. 2680 P; Mar. Victorin. p. 2587 P; *pulchras creterras*, Plot. et Mar.; *pateras* et *lepidas*, Fort. (*crateras*, ing.) 19. Non. p. 335, ad lib. ii. refert. id. p. 474. 21. Macrob. Sat. vi. 5, 9; cp. Aen. x. 551, forsan *homones*. 23 Prisc. vi. p. 198 H; cf. Bentl. ad Hor. Od. ii. 19, 23; *bicorpore*, codd.; *atque*, codd.; *ac*, Mueller, plerique. 26. Prisc. vi. p. 243 H. 27. Non. p. 116; *isque*, codd., corr. Merula; *res*, codd., corr. Stephanus; *Ammullus*, codd., corr. Steph., alii aliter; *gratulabatur*, codd., corr. Herm.

Serv. in Aen. i. 273: 'Naevius et Ennius Aeneae ex filia nepotem Romulum conditorem urbis tradunt.'

Varro, de L. L. v. 43: 'Aventinum aliquot de causis dicunt. Naevius ab avibus, quod eo se ab Tiberi ferrent aves.'

Varro, de L. L. v. 53: 'Quartae regionis Palatium . . . eumdem hunc locum a pecore dictum putant quidam: itaque Naevius Balatium adpellat.' (*Balatium*, codd. Flor. Havn.; *Balantium*, cett.)

29 Primá incédit Céreris Próserpiná púer.
30 Deín polléns sagíttis, ínclutús arquítenens,
sanctús Delphís prognátus Pýthiús Apóllo.

E Libro Tertio.

32 Simul átrociá proícerent éxta minístratóres.
33 Sc*o*pás atqué verbénas ságminá sumpsérunt.
34 M(árcus) Valérius cónsul
partém exérciti in éxpedítiónem dúcit.
36 Seséque *eí* períre mávolúnt ibídem
quam cúm stupró redíre ád suós populáres.
38 Sin íllos déseránt fortíssimós viró*rum*
magnúm stuprúm pópulo fíerí per géntis.

E Libro Quarto.

40 Transít Melitám Románus exércitus, ínsulam íntegram
urít, populátur, vástat, rem hóstiúm concínnat.
42 Vicíssatím volví victóriám . . . .
43 Verúm praetór advénit, aúspicát auspícium
prosperum.
45 Eám carném victóribús danúnt . . . . . .

29. Prisc. vi. p. 232; *prima íncédit Cérerís Prósérpiná puer*, Vahlen; vix recte. 30. Macrob. Sat. vi. 5, 8; cp. Aen. iii. 75; *deinde*, codd.; *dein*, Merula; *sanctusque*, codd., corr. Vahlen. 32. Non. p. 76, atrox crudum; *porricerent*, Junius, Vahlen; *prosicerent*, Mercer. 33. Fest. Ep. p. 320; *scapas*, *scabos*, *scapos*, codd., corr. Scaliger; *verbenas* reicit Hermann et Vahlen. 34. Charisius, i. p. 103 P; *M.* cod.; *Manius*, Merula. 36. Fest. p. 317; *i*, cod.; *ii*, Ursinus; *iei*, Mueller; *strupro*, cod. 38 ibid.; *deseritis*, Scal.; *viros*, cod.; *virorum*, Scal. 40. Non. p. 90, ita Hermannus cum codicibus. *t. M. R. ínsulam íntegram ómnem*, Vahlen. 42. Non. p. 183. 43. Non. p. 468; *virum praetor adveniet*, codd., corr. Junius. 45. Non. p. 97.

E LIBRO QUINTO.

46 . . . . díctatór ubi cúrrum insédit
pervéhitur úsque ad óppidum . . . .

E LIBRO SEXTO.

48 . . séptimúm decimum ánnum illicó sedént . . .
49 Supérbitér contémptim cónterit legiónes.
50 Convenit regnum simul atque locos ut haberet.
51 Censét eó ventúrum óbviám Poénum.

E LIBRO SEPTIMO.

Gell. xvii. 21, 45: 'M. Varro in libris de poetis primo stipendia fecisse ait bello Poenico primo, idque ipsum Naevium dicere in eo carmine quod de eodem bello scripsit.'

52 Id quóque paciscunt út moeniá sint, quaé Lutátium
recónciliént . . . .
54 . . . . . . captívos plúrimós Siciliénses
pacíscit óbsidés ut réddant . . . . . .

EX INCERTIS LIBRIS.

56 súmme deúm regnátor
quianám genuísti . . . . ?
58 Magnám domúm decŏrémque dítem véxárant.
59 . . . . conférre queánt ratem aératám, qui
per líquidum máre sudántes átque eúnt sedéntes.
61 . . . . pulcrámque ex aúro véstemqué citrósam.
62 Oneráriaé onústae stábant ín flústris.
63 Simúl aliús aliúnde rúmitánt intér se.

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46. Varro de L. L. v. 153, ita Hermannus: aliter disposuit, Mueller. 48. Non. p. 325. 49. Non. p. 155 bis.; *superviter*, codd. 50. Non. p. 211; hexametrum hunc, fortasse Ennianum, in metrum Saturnium coëgit Hermann. 51. Non. p. 267. 52-55. Non. p. 474 (interposito '*Idem*'); *paciscuntur*, *reconciliant*, codd.; *paciscunt moenia*, edd.; *ut*, Mercer.; *reconcilient*, Hermann. *Id quóque paciscunt moénia sínt, Lutátiúm quae* | *recóncilién t captívos plúrimós ídem* | *Siciliensés pacíscit óbsidés ut réddant*, Vahlen. *idem* = 'Naevius,' Gerl. Quicherat. 56. Fest. p. 257, s. v. quianam. 58. Prisc. vi. p. 235; *magnamque*, vulgo; *vexerant*, Hertz. 59. Varro, L. L. vii. 23; *non ferre*, M.; *queant*, Turnebi, cod.; *que aut* reliqui; *eunt atque*, codd. 61. Isid. Orig. xix. 22; cf. Macr. S. iii. 19; Fest. Ep. p. 42. 62. Isid. de Nat. Rer. c. 44. 63. Fest. pp. 270, 271 s. v. rumitant.

64 Pleríque omnés subí*un*gunt súb suúm iudícium.
65 . . . quod brúti néc satís sardáre
queúnt.
67 . . . . fames ácer
augéscit hóstibús . . . .
69 *Toppér* capésset flámmam Vólcaní . . .
70 . . . . . átque priús pariét locústa
Lucám bovém . . . .
72 Quam liquidum . . . . amnem.
73 Samnite.

Gell. v. 12: 'Lucetium autem Iovem Cn. Naevius in libris belli Poenici adpellat.'

Fest. pp. 262, 3: runa genus teli significat . . . . . . Naevius, etc.

Fest. p. 310: *sup*parum: puni*ceum vestimentum ita vo*cat, Naevius, de *bello Puni*co.

74 Apud émporiúm in cámpo hóstiúm pro moéne.

EX TRAGOEDIIS.

Andromacha.

R. 1 Quod tú, mi gnate, quaéso ut in pectús tuum
demíttas, tamquam in físcinam vindémitor.

Hector proficiscens.

18 Laétus sum laudári me abs te, páter a laudató viro.

Lycvrgvs (*quae extant omnia*).

21 Tuós qui celsos términos tutánt . .
22 Alté iu*b*atos ángues in sesé gerunt.

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64. Donat. in Ter. Andr. i. 1, 28; *subigunt, fugiunt,* codd.; *subringunt,* Stephanus. 65. Fest. Ep. p. 323, s. v. *sardare,* cf. Varro, L. L. vii. 108, *sarrare.* 67. Prisc. v. p. 153 H; vi. p. 230. 69. Fest. p. 352, s. v. *topper.* 70. Varro, L. L. vii. 39; versus disposuit Mueller. 72. Fest. p. 293, s. v. *sublicium pontem.* 73. Prisc. vi. p. 249, 'huius neutrum Naevius, etc. 74. Fest. p. 145; moene singulariter dixit Ennius. 'Naevius' pro Ennio, Mueller.

Trag. 1. Serv. in Georg. i. 266, *vindemiator in f.* codd.; corr. Bothe. Novio tribuunt Bothe et Munk. 18. Cic. Tusc. Disp. iv. 31, 67; ad Fam. v. 12; xv. 6. Senec. Ep. 102, 16, etc. 21. Non. 476, 9. 22. Non. 191, 16; *iugatos,* libri, corr. Junius.

23 Líberi,
quaecúnque incedunt, ómnes arvas ópterunt.
25 suavisonúm melos.
26 Vos quí regalis córporis custódias
agitátis ite actútum in frundiferós locos
ingénio arbusta ubi náta sunt, non óbsita.
29 dúcíte
eó cum argutis línguis mutas quádrupedis.
31 Alis sublimen alios saltus inlicite,
ubi bipedes volucres lino linquant lumina.
34 Ut ín venatu vítulantis éx suis
locís nos míttat poénis decoratás feris.
36 pérgite
Tyrsígerae Bacchae Bácchico cum schémate.
38 Ignótae iteris sumus: túte scis . . .
39 Díc quo pacto eúm potiti *sítis*, pugna*ne* án dolis?
40 Ne ílle mei feri íngeni atque ánimi acrem acrimóniam.
41 Cáve sis tuam conténdas iram cóntra cum ira Líberi.
42 Óderunt di hominés iniuros.—Égone an ille iníurie fácimus?
44 Séd quasi amnis cís rapit sed, támen inflexa fléctitur.
45 Iam ibi nós duplicat ad vénientis timós pavos.
46 nam ut ludere laetantis inter se vidimus
praeter amnem creterris sumere aquam ex *f*onte.
48 Pállis patagiís crocotis málacis mortuálibus.

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23. Non. 192, 29: *quaque*, libri, corr. Vossius. *Líberi* [*sunt*] *quáque*, *e. q. s.*, Ribb. 2. 25. Non. 213, 10; *suave summum*, libri, corr. Voss. 26. Non. 323, 1; *arbusto vineta*, libri, corr. Scaliger; *obsitu*, *obstutas*, libri, corr. Scal. 29. Non. 9, 24; *tum*, libri, corr. Mercer. 31, 32. Non. 6, 17; ita libri, sed *sublime*, A. J. M.; *sublimem*, L.; *alii*, Scal.; *Maenalios*, Mercer, Quicherat. *alíi* . . | *sublimen alios in saltus inlicite ubi* | *quasi*, Ribb.[1]; [*alias*] *alis* | *sublime in altos saltus inlicite* [*invios*] ⌈ Ribb.[2]; *alii subli*[*mi*] *Maenalios* | *saltus illicite u*[*t i*]*bi bipedes* | etc., Quicherat. Forsan scr. *ut bipedes*. 34. Non. 14, 19; *locis*, libri; *lucis*, Mercer. 36. Non. 225, 1; *modo Bacchico*, libri. 38. Prisc. vi. p. 695 P; Non. pp. 124, 485. 39. Non. 481, *sitis* et *ne*, addiderunt critici. 40. Non. 73, *ingeni* [*iram*], Ribb. 41. Non. 259, contendere. 42. Non. 124, iniurie. 44. Non. 192, amnem . . . feminino. Ita libri . . . *sic quasi amnis celeris rapit, sed*, Ribb.[2]; *sed quasi amnis vi rapit se, tamen*, Quich. 45. Non. 487, ita libri; Quich. om. *pavos* ut glossema. 46. Non. 547, ita fere libri, sed *ex ponte* in *fonte* mutandum, vide Non. p. 84, 10. Versus refingit Ribb.[2] *namque ludere ut laetantis inter sese vidimus* | *propter amnem, aquam creterris sumere ex fonte* . . .; *inter se laetantis* . . . *propter amnem aquam creterris sumere ex fonte propter*, Junius. 48. Non. pp. 540, 548.

49 Sine férro pec*u*á manibus ad mortém meant.
50 Ut videam Vulcáni opera haec flámmis flora fiéri.
51 Proinde húc Dryante regem prognatum patre
Lycurgum cette!
53 Iam sólis aestu cándor cu*m* liquésceret.
54 Laté longeque tránstra nostris férvere.
55 Vós qui astatis óbstinati . . . .

Ex incerta.

56 Mále parta male dílabuntur.

EX COMOEDIIS.

Gymnasticus.

55 Edepól Cupido cúm tam pausillús sis, nimis multúm vales.

Ludus.

61 Cedo quí vestram rempúblicam tantam ámisistis tám cito?
62 Provéniebant orátores noví stulti adulescéntuli.

Tarentilla.

71 Quae ego ín theatro hic meís probavi plaúsibus,
ea nón audere quémquam regem rúmpere;
quantó libertatem hánc hic superat sérvitus!
75 quáse pila
ín choro ludéns datatim dát se et communém facit,
álii adnutat, álii adnictat, álium amat, aliúm tenet.
álibi manus est óccupata, álii percellít pedem,
ánulum alii dát spectandum, á labris alium ínvocat,
cum álio cantat, áttamen alii suó dat digito líteras.

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49. Non. 159, *pecora manibus ut ad* libri; *pecua ut* cj. Grauert, Bergk, Düntzer: alii aliter detorserunt. 50. Non. 109, fimbriae; excidit lemma flora florida, Mercer. *Vulcani haec opere*, Quich.; . . . *ut vídeam—fieri flora*, Ribb.; *fieri flora*, libri; *flora fieri*, cj. Bothe. 51. Non. 84, cette s. dicite vel date; *proin dustriantte regem*, libri; *proin Dryante rege*, cj. Jun. 53. Non. 334, *candor cui*, libri. 54. Non. p. 503, fervit pro fervet: ita Quich.; *trans nostros*, libri; *transtros nostros*, Ribb.; *Traces nostros*, Bothe; *Thracia nostra*, Grot. 55. Fest. p. 193, obstinato. 56. Fest. Ep. p. 222; Cic. Phil. ii. 27, 66, 'apud poetam nescio quem.'

Com. 55. Non. p. 421, 25. 61, 62. Cic. Cat. Maior, 6, 20. 71. Charis. ii. p. 192 P. 75. Isidor. Orig. i. 25; Ennius de quadam impudica, sed conf. Fest. Ep. p. 29 v. Adnictat, Naevius in Tarentilla, 'alii adnutat, alii adnictat, alium amat, alium tenet,' *pila* om. Ribb.[2], *alii dat anulum*, libri; varie correxerunt docti.

Tunicularia.

99 Theodótum compellas, qui áras compitálibus
sedéns in cella círcumtectus tégetibus
Larés ludentes péni pinxit bubulo.

Ex incertis.

108 Etiám qui res magnás manu saepe géssit glorióse,
cuius fácta viva núnc vigent, qui apud géntes solus praéstat,
eúm suus patér cum pallio úno ab amíca abdúxit.
112 Líbera linguá loquemur lúdis Liberálibus.
121 Cóeus edit Neptúnum Venerem Cérerem . . . . .

Elogium Naevii a se ipso dictum.

Apud Gellium, i. 24.

Inmórtalés mortáles sí forét fas flére,
flerént divaé Caménae Naéviúm poétam:
itáque póstquam est Órci tráditús thesaúro,
oblíti súnt Romaé loquiér linguá Latína.

Cap. IV.—Q. Ennii Fragmenta.

v. c. 515–585 = a. c. 239–169.

Annalium Lib. I.

[Ilia Aeneae filia sororem adloquitur.]

V. 36* Excita cum tremulis anus attulit artubus lumen,
Talia commemorat lacrimans, exterrita somno:
'Eurudica prognata pater quam noster amavit,
Vires vitaque corpus meum nunc deserit omne.
Nam me visus homo pulcher per amoena salicta
Et ripas raptare locosque novos: ita sola

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99. Fest. p. 230, ita cod.; *appellas*, Müller; *Theodotum* | *compiles* [*pingens*], Ribb.[2]; *Theodotum, oppeilans*, Bücheler. 108. Gell. N. A. vii. 8, 5, ita fere libri; *palliod unod*, Buech. Ritschl, Ribb.[2] 112. Fest. Ep. p. 116. 121. Ib. p. 58.

Enn. Ann. 36–52. Cic. de Div. i. 20, 40. Narrat enim et apud Ennium Vestalis illa excita e. q. s.

Postilla germana soror, errare videbar
Tardaque vestigare et quaerere te, neque posse
Corde capessere: semita nulla pedem stabilibat.
Exin compellare pater me voce videtur
His verbis: "o gnata, tibi sunt ante ferendae
Aerumnae, post ex fluvio fortuna resistet."
Haec ecfatus pater, germana, repente recessit
Nec sese dedit in conspectum corde cupitus,
Quamquam multa manus ad caeli caerula templa
Tendebam lacrumans et blanda voce vocabam.
Vix aegro cum corde meo me somnus reliquit.'

.

[Romulo auspicia data.]

Curantes magna cum cura cumcupientes
Regni dant operam simul auspicio augurioque.

. . . .

[Hinc] Remus auspicio se devovet atque secundam
Solus avem servat. at Romulus pulcher in alto
Quaerit Aventino, servat genus altivolantum.
Certabant urbem Romam Remoramne vocarent.
Omnibus cura viris uter esset induperator.
Expectant vel uti, consul cum mittere signum
Volt, omnes avidi spectant ad carceris oras,
Quam mox emittat pictis e faucibus currus:
Sic expectabat populus atque ora tenebat
Rebus, utri magni victoria sit data regni.
Interea sol albus recessit in infera noctis.
Exin candida se radiis dedit icta foras lux.
Et simul ex alto longe pulcherruma praepes
Laeva volavit avis: simul aureus exoritur sol.
Cedunt de caelo ter quattor corpora sancta
Avium, praepetibus sese pulchrisque locis dant.
Conspicit inde sibi data Romulus esse priora,
Auspicio regni stabilita scamna locumque.

80–99. Cic. de Div. i. 48, 107, 'itaque Romulus augur ut apud Ennium est cum fratre item augure curantes e. q. s. Cp. Gell. vi. 6. 80. *tum cupientes*, Vind. Vahlen; *cum cupientes*, Erl.; *concupientes*, vulgo. 82. *in monte Remus*, Vind. 83. *autem*, V. E. 93. *ista*, Erl. 96. *quattuor*, V.; *quatuor*, E. 97. frustra detorserunt critici.

[Romuli nenia.]

114* Pectora diu tenet desiderium, simul inter
Sese sic memorant, 'o Romule, Romule die,
Qualem te patriae custodem di genuerunt!
O pater o genitor o sanguen dis oriundum,
Tu produxisti nos intra luminis oras.

119* Romulus in caelo cum dis genitalibus aevum
Degit.

LIB. VI. (*fragmenta quae extant omnia*).

[Bellum cum Pyrrho Epiri rege.]

178 Quis potis ingentis oras evolvere belli?

179 Tum cum corde suo divum pater atque hominum rex
Effatur.

[Postumius apud Tarentinos.]

. . . . .

181* Contra carinantes verba atque obscena profatus.

[Tarentini Pyrrhum arcessunt.]

183 Navus repertus homo Graio patre Graius homo rex,
184* Nomine Burrus uti memorant a stirpe supremo.
185 Intus in occulto mussabant . . . . .

[Oraculum Apollinis Pyrrho datum.]

186* Aio te Aeacida Romanos vincere posse.
187* stolidum genus Aeacidarum
Bellipotentes sunt magis quam sapientipotentes.

[Proletarii armantur.]

189* Proletarius publicitus scuteisque feroque

114–118. Cic. de R. P. i. 41, 64; *diu*, cod. m. pr.; *dia*, cod. m. altera; *dura*, Steinacker; *fida*, Krarupius. 115–118. Lactant. Inst. i. 15; *O Romule . . . oras*. 117. Prisc. vi. p. 708, *O sanguen dis oriundum*. 119. Serv. in Aen. vi. 764, Cic. Tusc. i. 12, 28, *Romulus in caelo cum dis agit aevum*, cp. Inscr. Pomp. 3135.

LIB. VI. 178. Quint. vi. 3, 86; Macrob. Sat. vi. 1; Diomed. i. p. 381 P; Serv. in Aen. ix. 528. 179. Macrob. Sat. vi. 1; cp. Aen. x. 1. 181. Serv. in Aen. viii. 361; *contra carinantes* | *verba* [*atra*], e. q. s. Vahl.; *et contra carinans verba atque*, Salmasius; *contra carinantes verba aeque*, Castricomius Merulae. 183. Fest. p. 169. 184. Non. p. 226, 30; Fest. pp. 313, 286. *Pyrrhus*, Non. Fest.; *Burrus*, v. Cic. Orat. 48, 160. 185. Fest. p. 298. 186. Cic. de Div. ii. 56, 116, etc. 187. Cic. ibid. 189–191. Gell. xvi. 10; Non. p. 155, 21; *scuteisque*, Gronov.; *scutaque*, Non. *sicuti isque*, etc., Gell.; *ornatus*, Non. om. Gell.

Ornatur ferro, muros urbemque forumque
Excubiis curant.
192 Balantum pecudes quatit: omnes arma requirunt.

[Arbores ad rogos faciendos caeduntur.]

193* Incedunt arbusta per alta, securibus caedunt,
Percellunt magnas quercus, exciditur ilex,
Fraxinus frangitur atque abies consternitur alta.
Pinus proceras pervortunt: omne sonabat
Arbustum fremitu silvai frondosai.

[Epigramma Pyrrhi in templo Tarentini Iovis.]

198** Qui antehac invicti fuerunt, pater optime Olympi,
Hos et ego in pugna vici victusque sum ab isdem.

[Pyrrhi de captivis reddendis praeclara sententia.]

200* Nec mi aurum posco nec mi pretium dederitis:
Non cauponantes bellum sed belligerantes,
Ferro non auro vitam cernamus utrique.
Vosne velit an me regnare, era quidve ferat Fors
Virtute experiamur. Et hoc simul accipe dictum:
Quorum virtutei belli fortuna pepercit,
Eorundem libertati me parcere certumust.
Dono ducite, doque volentibus cum magnis Dis.

[Sententia ab Appio dicta.]

208* Quo vobis mentes rectae quae stare solebant
Antehac, dementes sese flexere viai?
210 Sed quid ego hic animo lamentor?

[Cineas redit re infecta.]

211* Orator sine pace redit regique refert rem.

[Cineas rem Pyrrho refert.]

212 . . ast animo superant atque asp*era* *p*rima

192. Macr. Sat. vi. 1; cp. Aen. vii. 625. 193. Macrob. Sat. vi. 2; cp. Aen. vi. 179. 198. Oros. iv. 1, 'Pyrrhus . . . [post pugnam Heracleensem] . . . adfigens titulum in templo Tarentini Iovis,' Hist. Miscell. ii. 16. 200–207. Cic. de Off. i. 12, 38, 'Pyrrhi . . . praeclara sententia.' 208. Cic. Cat. Mai. 6, 16 (Appius Claudius) cum sententia senatus inclinaret ad pacem cum Pyrrho foedusque faciendum. 210. Donat. in Ter. Phorm. v. 4, 2. 211. Varro, L. L. vii. 41. 212. Schol. Veron. in Verg. Aen. v. 473. *aut, animos, asp* . . .

Volnera belli despernunt.
(569)* . . . . decretum est fossari corpora telis.
(486)* Dum quidem unus homo Romanus toga superescit.

[Decius nepos apud Asculum se devovet.]

214 . . . . . divi hoc audite parumper,
Ut pro Romano populo prognariter armis
Certando prudens animam de corpore mitto.

[De rebus ad Beneventum gestis.]

217 Lumen . . . . scitus agaso
218 Vertitur interea caelum cum ingentibus signis.
219 Ut primum tenebris abiectis indalbabat.

[Laus M'. Curii.]

220** Quem nemo ferro potuit superare nec auro.

Lib. VII.

[Ennii de Naevio sententia.]

221* scripsere alii rem
Versibus quos olim Faunei vatesque canebant;
Cum neque Musarum scopulos quisquam superarat
Nec dicti studiosus erat,
225 ante hunc
226 Nos ausi reserare . . . .

[Gemini Servilii amicus describitur.]

239 Haece locutus vocat quocum bene saepe libenter
Mensam sermonesque suos rerumque suarum
Comiter impartit, magnam cum lassus diei
Partem fuisset de summis rebus regundis

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rima, cod.; *ast*, Vahlen; *animo, aspera prima*, Keil.; *asperrima*, Maius. 213. ...*fera* (?) *belli spernunt*, cod.; *munera*, Keil. 569 et 486. Huc trahit Weidner, Quellenbuch, p. 135 n. 569. Varro, L. L. vii. 104, *decretum est stare*, libri. 486. Fest. p. 302, 303, cp. Lachm. Lucr. ii. 466. 214. Non. p. 150, 6, v. prognariter *diu*, libri; *anima*, libri; *animam*, Aldina. 217. Fest. p. 330; *iumen[ta]*, H. Ilberg. 218. Macr. Sat. vi. 1. 219. Achilles Stat. ad Catull. lxiv. 40, 'lustravit aethera album.' 220. Cic. de Rep. iii. 3, 6, 'ex qua vita (civili) sic summi viri ornantur ut vel M'. Curius quem, e. q. s.

Lib. VII. 221–226. Cic. Brut. 18, 71; 19, 76; orator, 51, 171; cp. Varro, L. L. vii. 36; *fauni et*, Var.; *fauni*, cet. 239–256. Gell. xii. 4. 241. *comiter, comitum*, libri; *impartit, impertit*, libri; *congeriem partit*, Vahlen; *copiam impertit*, conj. Luc. Mueller, D. R. M. p. 306.

Consilio iudu foro lato sanctoque senatu:
Cui res audacter magnas parvasque iocumque
Eloqueretur, et cuncta malaque et bona dictu
Evomeret, si qui vellet, tutoque locaret.
Quocum multa volup *ac* gaudia clamque palamque.
Ingenium cui nulla malum sententia suadet
Ut faceret facinus, levis, haut malus, doctus, fidelis,
Suavis homo, facundus, suo contentus, beatus,
Scitus, secunda loquens in tempore, commodus verbum
Paucum, multa tenens antiqua sepulta, vestutas
Qu*em* facit et mores veteresque novosque tenentem,
Multorum veterum leges divumque hominumque;
Prudenter qui dicta loquive tacereve possit:
Hunc inter pugnas compellat Servilius sic:—

Lib. VIII.

[De bello Hannibalico.]

270* postquam Discordia taetra
Belli ferratos postes portasque refregit.

272 Pellitur e medio sapientia, vi geritur res,
Spernitur orator bonus, horridus miles amatur.
Haut doctis dictis certantes sed maledictis
Miscent inter sese inimicitiam agitantes.
Non ex iure manu consertum sed magis ferro
Rem repetunt, regnumque petunt, vadunt solida vi.

Lib. IX.

[De consulatu Cethegi et Tuditani, v. c. 548.]

304 Additur orator Cornelius saviloquenti
Ore Cethegus Marcus Tuditano conlega

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245. *cuncta simul* (pro *et cuncta*), Th. Hughius prob. Vahlen. 247. *voluptate,* Reg.; *volup tate,* Voss.; *volup* . . Bern.; *ac*, conj. Hughius. 249. *haut,* Bern. Reg.; *haud,* cet.; *aut,* Voss. Vahlen. 252. *paucorum,* libri. 253. *quae facit et,* libri; *quem facit et,* Gronov.; *quem fecit,* Vahlen. 256. *Servilius sic compellat,* J. Dousa, Lachm., Vahlen. 270. Serv. in Aen. vii. 622, Hor. Sat. i. 4, 60. 272. Gell. xx. 10, Latt. Div. Inst. v. 1; *pellitur* . . . *res,* Cic. ad Fam. vii. 13, 2; *non* . . . *repetunt,* pro Murena, 14, 30; *pellitur* . . . *amatur, non* . . . *repetunt.* 275. *inimicitias.* vulgo corr. 304. Cic. Brut. 15, 58, Quint. xi. 3, 31; *suaviloquenti o. C.,* Cic. Cat. Mai. 14, 50, et Quint. ii. 15, 4; *suadae medullam,* cp. Gell. xii. 2.

Marci filius
. . is dictust ollis popularibus olim,
Qui tum vivebant homines atque aevum agitabant,
Flos delibatus populi suadaeque medulla.

[Fabii Cunctatoris elogium.]

313* Unus homo nobis cunctando restituit rem.
Non enim rumores ponebat ante salutem.
Ergo postque magisque viri nunc gloria claret.

[De Hannibale.]

316 . . . . mortalem summum fortuna repente
Reddidit. *e* summo regno ut famul infimus esset.

Lib. X.

[Bellum Macedonicum.]

332* Insece Musa manu Romanorum induperator
Quod quisque in bello gessit cum rege Philippo.

335* Egregie cordatus homo catus Aelius Sextus.

[Charopi Epirotae pastor T. Quinctium adloquitur.]

338** Sollicitari te Tite sic noctesque diesque
* * * * *
O Tite si quid ego adiuero curamve levasso,
Quae nunc te coquit et versat in pectore fixa,
Ecquid erit praemi?
* * * * *
Ille vir haud magna cum re, set plenus fidei.

[T. Quinctius ante pugnam ad Cynoscephalas.]

347 Aspectabat virtutem legionis *suai*,

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307. *is dictust ollis*, Gronovius. variant libri, Cic. Brut. om. *ollis*. 313–315. Cic. de Off. i. 24, 84, Cat. Mai. 4. 10, etc. 314. *non enim*, Cic. de Off.; *non ponebat enim*, cet.; *noenum*, Lachm. 315. *plusque*, J. Bernays prob. Vahlen. 316. Non. p. 110, 7; *summa*, Leid. Qu. *summum summa f.?* 317. *reddidit summo regno famul ut*, codd. corr. Scal. Gifanius, alii aliter. Lib. X. 332, Gell. xviii. 9. 335. Cic. de R. P. i. 18, 30; de Orat. i. 45, 198; Tusc. i. 9, 18; cp. Varr. L. L. vii. 46. 338–342. Cic. Cat. Mai. i. 1, *te adiuuero*, Par.; *te adiuero*, Vahlen; *ego adiuto*, Monac.; *ego adiuuero*, Gud. 341. *praemii*, Par. marg.; *premii*, Gud.; *precii*, Monac. 347–349. Philarg. in Georg. iv. 188.

*Ex*pectans si mussaret quae denique pausa
Pugnandi fieret aut duri *finis* laboris.

Lib. XI.

359 Quae neque Dardaniis campis potuere perire,
Nec cum capta capi, nec cum combusta cremari.

Lib. XVII.

[Res gestae A. V. C. 572, 573.]

423 Concurrunt vel uti venti cum spiritus austri
Imbricitor aquiloque suo cum flamine contra
Indu mari magno fluctus extollere certant.

Lib. XVIII.

[Pugna C. Aelii tribuni; cf. Liv. xli. 4.]

431* Undique conveniunt vel ut imber tela tribuno:
Configunt parmam, tinnit astilibus umbo
Aerato sonitu galeae: sed nec pote quisquam
Undique nitendo corpus discerpere ferro.
Semper *o*bundantes hastas frangitque quatitque:
Totum sudor habet corpus multumque laborat,
Nec respirandi fit copia: praepete ferro
Histri tela manu iacientes sollicitabant.

[De se ipso.]

440** Nos sumus Romani qui fuimus ante Rudini.

441* Sicut fortis equus, spatio qui saepe supremo
Vicit Olimpia, nunc senio confectus quiescit.

INCERTAE SEDIS FRAGMENTA.

492 Moribus antiquis res stat Romana virisque.

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348. *sive spectans*, cod. emend. Bergk.; *suspectans* fortasse melius esset; *mussaret dubitaretque denique causa*, cod. em. J. Dousa. 349. *finis*, add. Bergk.; *pausa*, Dousa. Lib. XI. 359. Macrob. vi. 1, cp. Aen. vii. 295. Lib. XVII. 423–425. Macrob. vi. 2; cp. Aen. ii. 416. Lib. XVIII. 431–438. Macrob. Sat. vi. 3, cp. Il. ii. 102, hunc locum Ennius in xv ad pugnam Celii (i. e. C. Aelii) tribuni his versibus transfert undique e.q.s. [in duodecimo *Par. lege* duo de vicesimo]. 435. *abundantes*, libri, corr. Pontanus. 440. Cic. de Or. iii. 42, 168. 441. Cic. Cat. Mai. 5, 14. Inc. 492. Aug. de Civ. D. ii. 21.

493 Septingenti sunt paulo plus aut minus anni
Augusto augurio postquam inclita condita Roma est.

503 Et tum sic ut equus, qui de praesepibus fartus
Vincla suis magnis animis abrupit, et inde
Fert sese campi per caerula laetaque prata
Celso pectore, saepe iubam quassat simul altam,
Spiritus ex anima calida spumas agit albas.

545 Perque fabam repunt et mollia crura reponunt.

ENNII TRAGOEDIARUM FRAGMENTA.

ALEXANDER. (*Quae extant omnia.*)

V. 57** . . máter gravida párere se ardentém facem R. inc. inc. 5
Visa ést in somnis Hécuba: quo factó pater
Rex ípse Priamus sómnio, mentís metu
Percúlsus, curis súmptus suspirántibus
Exsácrificabat hóstiis balántibus.
Tum cóniecturam póstulat pacém petens,
Ut se édoceret óbsecrans Apóllinem,
Quo sése vertant tántae sortes sómnium.
Ibi éx oraclo vóce divina édidit
Apóllo, puerum prímus Priamo quí foret
Postílla natus témperaret tóllere:
Eum ésse exitium Troíae pestem Pérgamo.

69 Voláns de caelo cúm corona et taéniis Enn. Alex. 33

70 Iamdúdum abludit ánimus, atque aurés avent 34
Avide éxpectantes núntium.

72 Hóminem appellat: 'quíd lascivis stólide?' non intéllegit. 36

73 Múlti alii adventánt paupertas quórum obscurat nómina. 37

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493. Varro, R. R. iii. 1, 2. 503–507. Macr. vi. 3, cp. Il. vi. 506, Aen. xi. 492. 545. Serv. in Georg. ii. 76; *fabas*, Scaliger.

TRAG. ALEX. 57–68. Cic. de Div. i. 21, 42, sit sane etiam illud commenticium, quo Priamus est conturbatus, quia *mater gravida* e.q.s. 57. *quia mater*, vulgo. 58. *facto*, libri; *fato*, Heins. Ribb. Vahl. 62. variant codices inter *coniecturam*, *coniecturum*, *coniectorem*. 69. Fest. p. 360, tenias. 70, 71. Varro, L. L. vi. 83, *ab ludis*, vulgo; *abludit*, Vetranius, prob. Madvig. 72. Fest. p. 317, stolidus, *lascivi*, cod., corr. Scaliger. 73. Macr. Sat. vi. 1; cp. Aen. v. 302.

74 Quápropter Parím pastores núnc Alexandrúm vocant. 38
75* Is habét coronam vítulans victória. Inc. 349

Hecuba.

76** Séd quid oculis rábere visa es dérepente ardéntibus? 39
úbi illa *tua* paulo ánte sapiens vírginalis modéstia?

Cassandra.

Máter, optumá*r*um multo múlier melior múlierum,
Míssa sum supérstitiosis áriolatiónibus.
N*ámque* Apollo fátis fandis démentem invitám ciet:
Vírgines aequális ver*eor*, pátris mei meum factúm pudet,
Óptumi virí. Mea mater tuí me miseret, meí piget:
Óptumam progéniem Priamo péperisti extra me: hóc dolet:
Mén obesse, illós prodesse, me óbstare illos óbsequi!
* * * * *
Ádest adest fax óbvoluta sánguine atque incéndio!
Múltos annos látuit: cives férte opem et restínguite!
Iámque mari magnó classis cita
Téxitur; éxitium éxamen rapit:
Ádveniet fera vélivolantibus
Návibus, complebít manus litora.

91* eheú videte! R. 54
Iúdicabit ínclitum iudícium inter deás tris aliquis
Quó iudicio Lácedaemonia múlier, Furiarum úna, adveniet.

94 O lúx Troiae, germáne Hector! 57

. . . . . quíd *te* ita *con*tuó lacerato córpore

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74. Varro, L. L. vii. 82. 75. Fest. Ep. p. 369. 76–90. Cic. de Div. i. 31, 66; *rabere*, Lambin. e codd., Muret.; *rapere*, vulgo codd.; *est*, libri. 77. *tua*, addidit Reizius. 78. *optumatum*, libri, corr. Haupt. Bergk. 80. *neque me*, libri; *namque*, Ribbeck, V. 81. *virgines vero aequalis* (*is* Leid.), libri, corr. Ribbeck. 84. *men*, Vind. Leid.; *me*, cet.; *med*, Lambin. 89. *adveniet*, Leid. Erl.; *advenit et* plerique. 90. *complevit*, Erl. Ribb. 91–93. Cic. de Div. i. 50, 114, ibid. ii. 55, 112; *iudicavit*, libri corr. Bergk. 94–96. Macr. vi. 2, cp. Aen. ii. 281; *te ita contuo*, Vossius; *ita cum tuo*, libri.

Miser, áut qui te sic tractavere nobis respectantibus?
97 Nam máximo saltú supera*v*it grávi*d*us armatís equus 60
Qui suó partu ardua pérdat Pergama . . . .
99 . . amidio purus putus. 62

Andromacha Aechmalotis.

112 Quíd petam praésidi aut éxequar? quóve nunc R. 75
Aúxilio éxili aút fugae fréta sim?
Árce et urbe órba sum. Quo áccedam? quo ápplicem?
115 Cuí nec arae pátriae domi stant, fráctae et disiectaé iacent,
Fána flamma déflagrata, tósti alti stant párietes
Déformati atque ábiete crispa 80
* * * * *
O páter, o patria, o Príami domus
Saeptum áltisono cardíne templum!
120 Vidi égo te adstante ope bárbarica
Tectís caelatis lácuatis,
Auro ébore instructum régifice. 85
Haec ómnia vide*i* inflámmar*e*i,
Priamó vi vitam evítare*i*,
125 Iovis áram sanguine túrpar*e*i.

128* Vídi, videre quód sum passa aegérrume 91
Hectórem curru quádriiugo raptárier
Hectóris natum dé muro iactári*er*.

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96. *respectantibus tractavere nobis*, libri, transposuit Ribbeck. 97, 98. Macr. vi. 2, cp. Aen. vi. 515 (cp. Macr ii. 9); *superavit*, libri; *gravibus armatis*, codd. pl.; *gravis armatus*, Salisb. 98. *qui suo* etc, libri, alii aliter transposuerunt. 99. Fest. p. 217 M, cp. Gell. vi. 5. *Catamidio*, Vossius.

Androm. 112–125. Cic. Tusc. iii. 19, 44, cp. ib. i. 35, 85, iii. 22, 53, de Orat. iii. 26, 101, Orat. 27, 93; numeros constituit Bentleius. 112–114. Cp. Herm. E. D. M., de vers. creticis, 14. 113. *auxilio aut exili*, Ribbeck; *aut auxilio exili*, Herm.; *fugae*, unus Oxon., prob. Bentl. Ribb. Vahl.; *fuga*, cet. libri, Herm.; *fugai*, Bergk. 114. *arcem et urbem orbas*, lib. in Orat.; *accedam*, libri pler. Bentl. R. V.; *accidam*, Bern. b. corr. 123. *videt*, Abrinc. Erl. b. de Or. iii. 217 (*vidi*, cet.); *evitaret*, ibid. 128–130. Cic. Tusc. i. 44, 105, laudat duo versus, 128, 129, Varro, L. L. x. 70, tertium: coniunxit Scaliger. 130. *de Troiano muro iactari*, libri, corr. Scal. et *moero* pro *muro*, scripsit.

ATHAMAS.

148 Is érat in ore Brómius, his Bacchús pater, R. 107
Illís Lyaeus vítis inventór sacrae;
Tum páriter euhan *eúhoe euhoe* eúhium
Ignótus iuvenum coétus alterná vice
Iníbat alacris Bácchico insultás modo.

HECTORIS LYTRA.

204 Quid hóc hic clamóris, quid *hóc hic* tumúlti est? 142
Nomén qui usurpát meum? Quid ín castris strépiti est?

IPHIGENIA.

Agam.

244 Quid nóctis videtur in áltisono 177
Caelí clipeo?

Senex.

Temó superat
Stellás sublime etiám cogens
Atque étiam noctis itér . . .

Agam.

248 Procéde; gradum proférre pedum 181
Nitére: cessas, o fíde *senex*?

250* *Gallíque* favent faucíbus russis Inc. 356
Cantú, plausuque premúnt alas.

Achilles.

275 Ástrologorum sígna in caelo qu*aé*sit, observát Iovis 199

ATHAMAS. 148–152. Charis. p. 214 P.; *is erat*, cod.; *his*, Fabr. Ribb.; *Lisaeus*, cod.; *Lyaeus*, ed. pr.; *euhan euhium*, cod. sed laudatur sub voce *euoe*; *euoe euoe* add. Fabric.; *insultas*, cod. R². *exsultans*. edd. plur. HECT. LYTRA. 204, 205. LVSTRA. R¹. V. LVTRA Ribb.² Non. p. 489, 27, *quid . . . meum*; p. 490, 6, *quid in castris strepiti est*. Herm. E. D. M. duo versus bacchiacos effecit, addito *hoc hic*. IPHIG. 244–247. Varro, L. L. vii. 73, cp. ib. v. 19, Fest. p. 339, etc. *stellas sublime cogens etiam atque etiam*, libri; *stellas sublime etiam c. atque etiam*, Mueller; *cogens sub. et. atque e.*, Ribb.¹ Vahl. omisso *stellas*. *stellas cogens e. a. e. noctis sublime iter*, Ribb.² 248, 249. Fest. p. 249, Schol. Ver. in Verg. Ecl. 5, 88. 250, 251. Cic. de Div. ii. 26, 57. 275–277. Cic. de R. P. i. 18, 30, de Div. ii. 13, 30; QVIDSIT,

Cúm capra aut nepa aút exoritur nómen aliquod béluae.
Quód est ante pedes némo spectat: caéli scrutantúr plagas.

Medea exul.

Nutrix.

Utinám ne in nemore Pélio secúribus
Caesa áccedisset abiégna ad terrám trabes.
Neve índe navis ínchoandae exórdium
Coepísset, quae nunc nóminatur nómine
Argó, quia Argiva ín ea delectí viri
Vectí petebant péllem inauratam árietis
Colchís, imperio régis Peliae, pér dolum.
Nam númquam era errans méa domo ecferrét pedem
Medéa, animo aegra, amóre saevo saúcia.

Telamo.

Telamo.

353 Égo deum genus ésse semper díxi et dicam caélitum: 269
Séd eos non curáre opinor, quíd agat humanúm genus:
Nám si curant béne bonis sit, mále malis, quod núnc abest.

356 Séd superstitiósi vates ínpudentesque árioli, 272
Aút inertes aút insani aut quíbus egestas ímperat,
Quí sibi semitám non sapiunt álteri monstránt viam,
Quíbus divitias póllicentur. áb eis drachumam ipsí petunt.
De hís divitiis síbi deducant dráchumam, reddant caétera.

OBSERVATIONIS, palimpsestus; *quaesit*, Heinrich; *quaerit, observat Iovis*, Maius. 276. NLVPA, NOMEN, BELVARVM. palimps.; *nepa, beluae*, Maius; *lumen*, Heinrich. MEDEA. 280-288. Rhet. ad Herenn. ii. 22, 34; Cic. de Fato, 15, 35, laudat *utinam . . . coepisset*, cp. pro Caelio 8, 18, de Inv. i. 49, 91; Topic. 16, 61, de Nat. Deor. iii. 30, 75; Tusc. Disp. i. 20, 45. alii alia. 281. *cecidis et*, R.[1]; *accedisset*, V. R.[2] Fleck.; variant codd. 284. *cepisset*, cod.; *coepisset*, R. et V. TELAMO. 353, 354. Cic. de Div. ii. 50, 104. 355. De Nat. Deor. iii. 32, 79, et de Div. i. 58, 132. 356-360. Cic. de Div. i. 58, 132; *sed* Ciceronis an Ennii dubium. 357. tertium *aut* omittit Herm. 360. uncis includit Ribb.

Ex incertis.

387 Homó qui erranti cómiter monstrát viam, R. 366
Quasi lúmen de suo lúmine accendát, facit:
Nihiló minus ipsi lúcet, cum illi accénderit.

Neoptolemus. 340

417 Phílosophari est míhi necesse, at paúcis: nam omnino haút placet.
Dégustandum ex eá, non in eam ingúrgitandum cénseo.

SATVRARVM RELIQVIAE.

Scipio.

V. 6 Enní poeta sálve, qui mortálibus
Versús propinas flámmeos medúllitus.

8 *Numquam poetor nisi si podager.

10 . . . mundus caéli vastus cónstitit siléntio,
Ét Neptunus saévus undis ásperis pausám dedit:
Sól equis itér repressit úngulis volántibus:
Cónstitere amnés perennes, árbores ventó vacant.

Aesopi Cassita.

Gell. ii. 29: 'Avicula,' inquit, 'est parva, nomen est cassita. Habitat nidulaturque in segetibus, id ferme temporis, ut appetat messis pullis iam iam plumantibus. Ea cassita in sementes forte congesserat tempestiviores; propterea frumentis flavescentibus pulli etiam tunc involucres erant. Dum igitur ipsa iret cibum pullis quaesitum, monet eos, ut, si quid ibi rei novae fieret dicereturve, animadverterent idque uti sibi, ubi redisset, nuntiarent. Dominus postea segetum illarum filium adulescentem vocat, et: 'videsne,' inquit, 'haec ematuruisse et manus iam postulare? idcirco die crastini, ubi primum diluculabit, fac

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Inc. 387–389. Cic. de Off. i. 16, 51, cp. ibid. 52 et pro Balbo, 16. 36; ad Telephum revocat Vahlen; *ut homo*, Basil. Oehl. 417, 418. Ex comparatione plurium locorum, Cic. Tusc. Disp. ii. 1; de Orat. ii. 37, 156; de Rep. i. 18, 30; Gell. v. 15 et 16; Appul. de Magia, c. 13, p. 415 (Oud.)

Sat. 6, 7. Non. p. 33, 7, et p. 139, 14. 8. Prisc. viii. p. [illegible]9 P. 10–13. Macrob. Sat. vi. 2, cf. Aen. x. 100–103.

amicos eas et roges, veniant operamque mutuam dent et messim hanc nobis adiuvent.' Haec ubi ille dixit, et discessit. Atque, ubi rediit cassita, pulli tremibundi, trepiduli, circumstrepere oraque matrem, ut iam statim properet inque alium locum sese asportet: 'nam dominus,' inquiunt, 'misit, qui amicos roget, uti luce oriente veniant et metant.' Mater iubet eos otioso animo esse: 'si enim dominus,' inquit, 'messim ad amicos reiicit, crastino seges non metetur neque necessum est, hodie uti nos auferam.' 'Die,' inquit, 'postero mater in pabulum volat. Dominus, quos rogaverat, opperitur. Sol fervit, et fit nihil; it dies, et amici nulli erant. Tum ille rursum ad filium: 'amici isti magnam partem,' inquit, 'cessatores sunt. Quin potius imus et cognatos adfines amicosque nostros oramus, ut adsint cras tempori ad metendum?' Itidem hoc pulli pavefacti matri nuntiant. Mater hortatur, ut tum quoque sine metu ac sine cura sint, cognatos adfinesque nullos ferme tam esse obsequibiles ait, ut ad laborem capessendum nihil cunctentur et statim dicto obediant: 'vos modo,' inquit, 'advertite, si modo quid denuo dicetur.' Alia luce orta, avis in pastum profecta est. Cognati et adfines operam, quam dare rogati sunt, supersederunt. Ad postremum igitur dominus filio: 'valeant,' inquit, 'amici cum propinquis. Afferes primo luci falces duas: unam egomet mihi et tu tibi capies alteram, et frumentum nosmetipsi manibus nostris cras metemus.' Id ubi ex pullis dixisse dominum mater audivit: 'tempus,' inquit, 'est cedendi et abeundi; fiet nunc dubio procul, quod futurum dixit. In ipso enim iam vertitur, cuia res est, non in alio, unde petitur.' Atque ita cassita nidum migravit, seges a domino demessa est.

Haec quidem est Aesopi fabula de amicorum et propinquorum levi plerumque et inani fiducia. Sed quid aliud sanctiores libri philosophorum monent, quam ut in nobis tantum ipsis nitamur, alia autem omnia, quae extra nos extraque nostrum animum sunt, neque pro nostris neque pro nobis ducamus? Hunc Aesopi apologum Q. Ennius in satiris scite admodum et venuste versibus quadratis composuit. Quorum duo postremi isti sunt, quos habere cordi et memoriae operae pretium esse hercle puto:

Hóc erit tibi árgumentum sémper in promptú situm:
Né quid expectés amicos, quód tu[te] agere póssi[e]s.

Epigrammata.

I.

V. 1 Aspicite o cives senis Enni imaginis formam!
Hic vestrum panxit maxima facta patrum.
Nemo me lacrumis decoret nec funera fletu
Faxit. Cur? volito vivus per ora virum.

II.

De Africano.

5 Hic est ille situs, cui nemo civis nec hostis
Quiv*i*t pro factis reddere † operae pretium.

III.

7 A sole exoriente supra Maeotis paludes
Nemo est qui factis me aequiperare queat.
9 Si fas endo plagas caelestum ascendere cuiquam est,
Mi soli caeli maxima porta patet.

Cap. V.—Fragmenta M. Pacuvii.

Circa v.c. 534–622 = a.c. 220–132.

Antiopa.

Amphio.

R. 2 Quadrupés tardigrada agréstis humilis áspera,
Capité brevi cervice ánguina, aspectú truci,
Evíscerata inánima cum animalí sono.

Astici.

5 Ita saéptuose díctio abs té datur,
Quod cón*i*ectura sápiens aegre cóntulit.
Non íntellegimus, nísi si aperte díxeris.

Epigrammata. 1–4. Cic. Tusc. Disp. i. 15, 34. 2–4. ibid. 49, 117; Cat. Mai. 20, 73. 3. *fletum*, Scalig. coni.; *lessum*, Bentl. 5, 6. Sen. Ep. xviii. 5 (108), 32; cp. Cic. de Leg. ii. 22, 57; *quivit*, Stephanus; *quibit*, Scaliger; *qui vult*, libri paene omnes; *operae*, libri plerique; *opis*, Vahlen. 7–10. coniunxit Scaliger. 7–8. Cic. Tusc. Disp. v. 17, 49. 9, 10. Senec. Ep. xviii. 5 (108), 34; Lactant. Div. Inst. i. 18; *faciendo*, libri plerique.

M. Pacuvii Antiopa. 2–4 et 7, 8. Cic. de Div. ii. 64, 133; cp. Tert. de Pallio, c. 3. 5, 6. Non. p. 170, 17, s. v. *saeptuose*. *Astici*, Orell., Ribb.; *rustici*, Bergk; *Bacchici*, Welcker; *Attici* ceteri; *artici*, *attici* et *acciti*, codd. 5. *dictione*, Ribb. 6. *coniectura*, Rothe; *consectura* et *consecutura*, libri; *consulit* vel *contuit*, Voss.; *contuit*, Ribb.

Amphio.

Testudo.

ILIONA.

197 Matér te appello, tú, quae curam sómno suspensó levas
Neque té mei miseret, súrge et sepeli nátum [tuum] prius quám ferae
Voluerésque . . . .
Neu réliquias semi[e]s[i]s sireis dénudatis óssibus
Per térram sanie délibutas foéde divexárier.

EX INCERTIS FABVLIS.

366 Fórtunam insanam ésse et caecam et brútam perhibent phílosophi,
Sáxoque instare ín globoso praédicant volúbili,
Quía quo id saxum inpúlerit fors eo cádere fortunam aútumant.
Ínsanam autem [esse] aíunt, quia atrox íncerta instabilísque sit:
Caécam ob eam rem esse íterant, quia nil cérnat quo sese ádplicet:
Brútam, quia dignum átque indignum néqueat internóscere.
Súnt autem alii phílosophi qui cóntra fortunám negant
Ésse ullam, sed témeritate [rés] regi omni*s* aútumant.
Íd magis veri símile esse usus reápse experiundo édocet:
Vélut Orestes módo fuit rex, fáctust mendicús modo.
†Naufragio nempe res ergo id fructum forte aut fortuna obtigit.†

ILIONA. 197–201. Cic. Tusc. i. 44, 106; cp. Hor. Sat. ii. 3, 60 et intpp.; Cic. pro Sest. 59, 126; *tu* volgo omittitur; *suspensam*, libri deteriores, R.[2] 198. *tuum*, addit Bentleius. 200. Ita fere Ellis. *Neu reliquias semiassireis* vel *regis*, codd. *Neu tu reliquias sic meas sieris*, Fleck.; *Neu reliquias sic meas siris* vel *semiesas siris*, Bentl.; *quaeso mias sireis*, Ribbeck. INC. 366–376. Rhet. ad Herenn. ii. 22, 36. 367. emendavit Salmasius; *Saxique esse instar globosi praedicant volubilem* probarunt Hermannus et Spengelius. 368. spurium censet Ribbeck; variant codices in primis verbis. 369. *esse* addit Herm. 373. ita Ribbeck et Fleckeisen; contra metrum et sensum peccant codices; *omnia regi*, codd.; fortasse scr. *omnia autumant regi.* 374. ita Salmasius, Ribbeck, Spengel. 376. Ita Paris. m. pr. alii codices aliter. *Naufragio nempe ergo id structum, haut forte fortuna obtigit*, proponit Fleckeisen. Herm. et Ribb. scholiastae sententiam tribuunt.

408 Nérei repándirostrum incúrvicervicúm pecus.
409 . . . profectióne laeti píscium lascíviam
Íntuentur, néc tuendi cápere satietás po*test*.
Ínterea prope iam óccidente sóle inhorrescít mare,
Ténebrae conduplicántur, noctisque ét nimbum occaecát nigror,
Flámma inter nubés coruscat, caélum tonitru cóntremit,
Grándo mixta imbrí largifico súbita praecipitáns cadit,
Úndique omnes vénti erumpunt, saévi existunt túrbines,
Férvit aestu pélagus.

Elogivm Ipsivs.

Aduléscens tam etsi próperas te hoc saxúm rogat
Ut sé*se* adspicias, deínde quod scriptum ést legas.
Hic súnt poetae Pácuvi Marcí sita
Ossa. Hóc volebam néscius ne essés, vale.

Cap. VI.—Ex Aquilii (?) Boeotia.

Ut illúm di perdant, prímus qui horasrépperit,
Quique ádeo primus státuit hic solárium.
Qui míhi comminuit mísero articulatím diem.
Nam [olím] me puero vénter erat solárium
Multo ómnium istorum óptumum et veríssumum :
Ubi *ubi* monebat ésse, nisi quom níl erat.
Nunc étiam quom est, non ést*ur*, nisi solí lubet.
Itaque ádeo iam oppletum óppidumst soláriis,
Maiór pars populi [ut] áridi rept*e*nt fame.

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408. Quintil. i. 5, 67 ; cp. Varr. L. L. v. 7. 409–412. Cic. de Div. i. 14, 24. 411–416. *inhorrescit—pelagus,* de Orat. iii. 39, 157. 409. *ut* et *intuerentur,* Cicero paulum detortis pro re nata, ut videtur, Pacuvii verbis. 410. *satietas capere possit* v. *posset,* libri ; emendavit Hermann ; *satias capere possiet,* Gruter.

Elogivm. 'Epigramma Pacuvii verecundissimum et purissimum dignumque eius elegantissima gravitate *Adulescens,* e. q. s.' Gell. N. A. i. 24, ed. Hertz. *tamen etsi* et *se adspicias,* libri.

Boeotia. 1–9. Gellius, iii. 3, 4, vide adnotata. 4. *olim,* addit Ritschl. ; *unum,* Hertz R.² 6. *ubi iste,* libri ; *ubi ubi,* Ritschl cum edd. ant. ; *ubivis ste,* Hertz ; *ubi is non monebat . . . .* ? R.² ; *nihil,* libri. 7. *est,* libri ; *estur,* edd. ant. 8. *est oppidum,* libri, emend. Bothius. 9. *ut,* Ritschl, et *reptent* pro *reptant.*

Cap. VII.—Caecilius Statius

Pacuvii aequalis, †circa v.c. 588 = a.c. 166.

Plocium.

.... is démum miser est, qui aérumnam suám nequit
Óccultare. Férre ita me uxor [ét] forma et factís facit,
Et si taceam, támen indicium. Quaé, nisi dotem, ómnia
Quae nólis habét: qui sapít de me díscet:
Quí quasi ad hostis cáptus liber sérvio salva úrbe atque arce.
Dum éius mortem inhio, égomet vivo ínter vivos mórtuus.
Quaé*n* mihi quidquid plácet, eo privatu*m* í*t* me, servat*a*m [velim]?
Éa me clam se cúm mea ancilla aít consuetum, id me árguit:
Íta plorando orándo instando atque óbiurgando me óptudit
Eam utí venderém. Nunc credo ínter suás
Aequális, cognátas sermónem serít:
'Quís vostrarúm fuit íntegra aetátula
Quae hóc idem a viro
Ímpetrarít suo, quód ego anús modo
Efféci paelice út meum privarém virum?'
Haéc erunt concília [hic] hodie; dífferor sermóne misere.

C. Statius. 142–157. Gell. ii. 23. 143. *et*, addidit Fleckeisen; *occultare foris: ita uxor mea f. et f. facit*, Ribb.[2] 144. *Si taceam tamen indicium fit*, Fleck.; *etsi taceam tamen indicium* [*meae*], Ribb.[2] 145, 6. *quae nolis habet: qui sapiet de me discet: qui quasi | ad hostis captus libere | servio salva urbe et arce*, Fleck., alii aliter. 147, 148. ita transposuit Ribbeck. 148. ita Ribb.[2]; cod. palimps. *privatu' vin' me servatum*; Madv. adv. 2. p. 591, *quae mihi quicquid placet, eo privatum me it; me servat suum.* 153. *nostrarum*, Buon. B. C. Harl. Vind. *vestrarum*, ceteri; *vostrarum*, Ribb. 157. *concilia hodie: differor sermone miser*, libri; [*hic*] *hodie*, R.[1]; *hocedie*, Bergk., R.[2]; *hodie concilia*, Fleck.

Cap. VIII.—L. Accii Tragoediarum Fragmenta.

v.c. 584– circa 660 = a.c. 170–94.

Medea.

Pastor, loq.

Tánta moles lábitur
Fremebúnda ex alto ingénti sonitu et spíritu,
Prae se úndas volvit, vórtices vi súscitat :
Ruít prolapsa, pélagus respargít, reflat.
Ita dum ínterruptum crédas nimbum vólvier,
Dum quód sublime véntis expulsúm rapi
Saxum aút procellis, vél globosos túrbines
Exístere ictos úndis concursántibus :
Nisi quás terrestris póntus strages cónciet,
Aut fórte Triton fúscina everténs specus
Suptér radices pénitus undanti ín freto
Molem éx profundo sáxeam ad caélum erigit.

Sic íncitati atque álacres rostris pérfremunt
Delphíni.

Silvaní melo
Consímilem ad auris cántum et auditúm refert.

Philocteta.

Inclúte, parva prodíte patria,
Nomíne celebri claróque potens
Pectóre, Achivis classíbus auctor,
Gravis Dárdaniis gentíbus ultor,
Laértiade !

L. Accii Med. 391–402. Cic. de Nat. Deor. ii. 35, 89; cp. Prisc. de Metr. Ter. p. 424 K. Non. 90, 8. 392. *spiritu*, Prisc.; *strepitu*, Cic. 394. *reflat*, Prisc.; *profluit*, Cic. 403–406. Cic. l. c. 403. *sicut inciti*, Erl. cum codd. pl.; *sic incitati*, Heindorff; *sic aut inciti atque*, Ribb.[1]; *sicut lascivi atque*, Ribb.[2]; *item alia multa Silvani melo*, Cic.; *item alto mulcta* (i. e. a mari leniter impulsa navis), Ribb.[2] quasi Accii verba. Philoct. 520–524. Appuleius de Deo Socratis, c. 24, Jo. Sarisb., Victorinus, Attilius, Charisius; *prodite*, Ribb.; *praedite*, Bergk. *ductor*, Sarisb. Herm. R.[2]; *auctor*, alii.

. . . . . Lemnia praesto
Litóra rara, et celsá Cabirum
Delúbra tenes, mystéria quez
Pristína castis concépta sacris

* * *

. . Vólcania templá sub ipsis
Collíbus, in quos delátus locos
Dicítur alto ab limíne caeli.

* * *

Nemus éxpirante vapóre vides,
Unde ígnis cluet mortálibus clam
Divísus: eum di*c*tus Prometheus
Clepsísse dolo poenásque Iovi
Fato éxpendisse suprémo.

EX PRAETEXTATIS.

BRVTVS.

Tarquinius.

17 Quom íam quieti córpus nocturno ímpetu
Dedí, sopore plácans artus lánguidos:
Visum ést insomnis pástor*em* ad me adpéllere
Pecús lanigerum exímia pulcritúdine,
Duos cónsanguineos árietes inde éligi
Praeclárioremque álterum immoláre me.
Deinde eíus germanum córnibus conítier
In me árietare, eoque íctu me ad casúm dari.
Exín prostratum térra, graviter saúcium,
Resupínum in caelo cóntueri máxumum
Mirífieum facinus: déxtrorsum orbem flámmeum
Radiátum solis líquier cursú novo.

525–534. Varro, L. L. vii. 11 (*Lemnia . . . divisus*). 533–536. Cic. Tusc. Disp. ii. 10, 23. 527. *que*, libri; *queis*, Herm.; *quae*, Ribb.[2] 528. *castis concepta*, Paris. a et b? *castris concepta*, ceteri libri; *ci-tis consepta*, Bergk. 531. *lumine*, libri. 534. *doctus*, libri paene omnes, Scal., Bentl., Herm., Elem., *dictus*, Herm., Opusc. 535. *clepisse*, Reiz., Herm. 536. *furti*, Bentl.

Ex Praetextatis. Brvtvs. Cf. Cic. ad Att. xvi. 2. 17–28. Cic. de Div. i. 22, 44. 17. *quoniam*, libri, Ribb.[2] 19. *visust*, Lambin.; *pastor*, Erl. Vind. Lambin. 20 sq. inversum ordinem correxit Muretus. 25. *terga*, Erl.; *terrae*, Pareus. 26. *maxumum ac*, libri.

29 Réx, quae in vita usúrpant homines, cógitant curánt vident,
Quaéque agunt vigilántes agitantque, éa si cui in somno áccidunt,
Mínus mirum est, sed *dí* re*m* tanta*m* haut témere inproviso ófferunt.
Proín vide, ne quém tu esse hebetem députes aeque ác pecus,
Ís sapientiá munitum péctus egregié gerat,
Téque regno expéllat: nam id quod dé sole ostentum ést tibi,
Pópulo commutátionem rérum portendít fore,
Pérpropinquam. Haec béne verruncent pópulo! nam quod déxterum
Cépit cursum ab laéva signum praépotens, pulcérrume
Aúguratum est rém Romanam públicam summám fore.

39 . . . qui recte cónsulat, consúl *clu*at.

40 Túllius qui líbertatem cívibus stabilíverat.

Cap. IX.—Fragmenta ex Lucilii Saturis.

v. c. circa 606–651 = a. c. 148–103.

III. 6, ed. Gerlach (vii. L. M.).

1. Verum haec ludus ibi susque omnia deque fuerunt,
Susque *haec* deque fuere, inquam, omnia ludus iocusque;
Illud opus durum, ut Setinum accessimus finem:
Αἰγίλιποι montes, Aetnae omnes, asperi Athones.

IV. 1 (ii).

2. O lapathe, ut iactare, nec es satis cognitus qui sis!
In quo Laeliu' clamores *σοφὸς* ille solebat
Edere, compellans gumias ex ordine nostros.

29–38. Cic. l. c. 31. *in re tanta,* libri; corr. Neukirch. 39. Varro, L. L. v. 80 M; *consul cluat,* Palmerius, Ribb.; *consulciat,* Flor., Goth., Havn.; *consul ciat,* Par. b; *consul fiat,* Par. c; *consul fuat,* Augustinus; *consul siet,* Niebuhr. 40. Cic. pro Sestio, 58, 123.

Lucilius. III. 6. Gell. xvi. 9, 1; *v.* 2, *susque et,* codd.; *haec,* Dousa, L. Müller. IV. 1. Cic. de Fin. ii. 8, *ne cessatis,* codd.; *nec es satis,* Lachm. Lucr. p. 29; alii alia perperam coniectarant.

IV. 2 (iii).

3. O Publi, o gurges Galloni: es homo miser, inquit;
Cenasti in vita numquam bene, cum omnia in ista
Consumis squilla atque acipensere cum decumano.

IV. 7 (xi).

4. Aeserninus fuit Flaccorum *munere* quid*a*m,
Samnis, spurcus homo, vita illa dignus locoque.
Cum Pacideiano hic componitur, optimus multo
Post homines natos gladiator qui fuit unus.

IV. 8 (xii).

5. Occidam illum equidem et vincam, si id quaeritis, inquit:
Verum illud credo fore: in os prius accipiam ipse
Quam gladium in stomacho furia*e* ac pulmonibu' sisto.
Odi hominem, iratus pugno, nec longius quicquam
Nobis, quam dextrae gladium dum accommodet alter.
Usque adeo studio atque odio illius efferor ira.

V. 1 (vi).

6. Quo me habeam pacto, tametsi id non quaeris docebo.
Quando in eo numero mansi, quo in maxuma n*unc* est
Pars hominum.
Ut periisse velis, quem visere nolueris, cum
Debueris. Hoc nolueris et debueris te
Si minus delectat, quod *ἄτεχνον* et Eisocratiumst,
*Ληρῶδες*que simul totum ac sum*μειρακιῶδες*,
Non operam perdo. Si tu *h*ic . . . . .

IV. 2. Cic. ibid., cp. Hor. Sat. ii. 2, 46; *acupensere*, L. M. IV. 7. Non. p. 393 M. s. v. *spurcum*, saevum vel sanguinarium, id. p. 257; *Samnis*, e. q. s., cp. Cic. de Opt. Gen. Or. 6, 17; Tusc. ii. 17, 41; ad Q. F. iii. 4, 2; Orat. 48, 161; Quintil. ix. 4, 38; *munere*, Turnebus; *unae quidam*, *una equidem*, codd.; *longe*, Cicero. IV. 8. Cic. Tusc. iv. 21. Serv. ad Aen. xii. 646, *usque adeo*, e. q. s.; *suria*, vel *furia*, codd.; *furiae*, Scal., Ellis; *Furi* vel *Fulvo*, Bentl.; *furi*, Tischerus, L. M. V. 1. Gell. xviii. 8, *mansi*, codd. Ellis; *mansti*, Nannius, Gerl., Hertz. L. M.; *non*, codd.; *nunc*, edd. 3–5. Versus iustos efficit Dousa *Pars hominum, ut periisse velis quem visere nolue|ris cum debueris. Hoc nol- et debueris te*, e. q. s. ita fere Hertz et Gerl.; Madv. adv. 2, p. 609, *pars hominum ut visisse velis, quem nolueris, cum | debueris e. q. s.* 6. *ἄτεχνον et*, edd. pro *atexnon et* ('fere scripti,' L. M.); *τεχνίον*, Scal. L. M. 7. *ὀχληρῶδεsque*, libri ferme; *ὀχληρὸν*, Hertz.; *ληρῶδες*, Scal., Ellis, L. M.; *subμειρακιῶδες*, Francken; *sumμειρακιῶδες*, Ellis; *συμμειρακιῶδες* alii. 8. *si tu hic*, L. M.; *si tu sicuti*, codd.

VI. 1 (xvi).

7. Cui neque iumentumst nec servos nec comes ullus;
Bulgam et quicquid habet numorum secum habet ipse.
Cum bulga cenat dormit lavat: omnis in una*st*
Spes hominis bulga: *bulga* haec devincta *la*certost.

IX. 2 (iv).

8. A primum est, hinc incipiam et quae nomina ab hoc sunt,
*   *   *   *   *
A primum longa brevis syllaba. Nos tamen unum
Hoc faciemus, et uno eodemque, ut dicimus, pacto
Scribemus pacem placide Ianum aridum acetum,
Ἄρες Ἄρες Graeci ut faciunt.

IX. 3 (xix).

9. †Ar. Non multum hoc abest cacosyntheton atque canina
Si lingua dico, 'nihil a*r* me:' nomen hoc illist.

IX. 6 (xi).

10. 'Iam puerei venere,' E postremum facito atque I
Ut pueri plures fiant. I si facis solum
'Pupilli,' 'pueri,' 'Lucili,' hoc unius fiet.

IX. (xii).

'Hoc illi factumst uni;' tenue hoc facies I,
'Haec illei fecere:' addes E, ut pinguius fiat.

VI. 1. Non. s. v., *bulga*, p. 78 M.; *una seti*, codd.; *unast*, Lachm. Lucr. 66; *spes*, Mercer, alii; *res*, Lachm.; *haec devincta certo est*, codd.; *bulga haec devincta lacertost*, Lachm.; *lacertost*, Dübner. IX. 2. Ter. Scaurus, p. 2255 P. Ita Putsch et Ellis; *diximu'*, 'docti,' L. M.; *dicimu'* codd. IX. 3. Velius Longus, p. 2214 P. Ita Ellis dubitans; *a re non multum abest hoc c. atque canina si tibi lingua dico nihil ad me*, codd. Putsch.; *r. nonnullum habet hoc c.; utque canina|sic lingua dico 'nihil ar me.' nomen ab hoc est | illi*, L. M.; *ad me*, codd.; *ar*, Dousa; *hoc h. illi est*, codd. teste L. M. IX. 6. Quint. i. 7, 15, habet *iam—fiant* et *mendaci—iusseris*; Velius, p. 2220, *iam—fiet, hoc illi—pinguiu' fiat*; Scaurus, p. 2255, *meile—pleniu' fiat*; quaedam habet Charis. p. 60 P. p. 43 L. Ita fere Ellis, exceptis vv. 6, 7, quos restituit ex Charisio Müller. IX. (xi). *Pupilli pueri hoc unius*, Velius. 3. *Lucii*, Charis.; *Luceili*, Dousa. IX. (xii). *tenue heic facies* I, L. M. IX. (xiii). *filiu' Luci*, 'Dousa ex Cod. haud dubie,' L. M. 7. *Feceris* I *solum*, Schmidt.; *fecerit colum*, MS. Neap.; *ferit collum*, Putsch.; *dare furi* vel *dari furei*, codd.; '*dato Furei*,' Lachm. Lucr. p. 245; '*dabi' Furei*,' L. M. IX. (xiv). *heice utroque*, L. M.; *huc e*, cod. 11. *tenuest i pilai qua ludimu,' pilam, | qua pisunt, tenues*, L. M.; *tenue si pilam in*, cod.; *pinso*, Scal.; *pisuntt ipse*, cod.

IX. (xiii).

porro hoc sit 'filius Luci:'
Feceris *I* solum ut 'Corneli Cornificique.'
Mendaci furique addes E cum 'dare furei'
Iusseris.

IX. (xiv).

'Meile hominum,' 'duo meilia,' item huic utroque opu': 'meiles'
'Meilitiam'; tenues I 'pilam' qua ludimus, 'pilum'
Quo pisunt, tenues. Si plura haec feceris pila
Quae iacimus, addes E, 'peila' ut plenius fiat.

IX. 12 (xxii).

11. N*un*c haec quid valeant, quidve h*uic* intersiet illud
Cognosc*es*. Primum hoc quod dicimus esse poema
Pars est parva poema.
* * * epistula item quaevis non magna poemast.
Illa poesis opus totum, *ut* tota Il*i*a summast
Una *po*esis, ut Annales Enni. Atque s*i* *h*oc unumst,
Est maius multo quam quod dixi ante poema.
Quapropter dico, nemo qui culpat Homerum,
Perpetuo culpat, neque quod dixi ante poesin,
Versum unum culpat, verbum, enthymema, locumve.

XV. 1 (i).

12. Multa homines portenta in Homeri versi*bus* ficta
Monstra putant; quorum in primis Polyphemus ducentos
Cyclops longus pedes, et porro huic maius bacillum
Quam malus navis in corbita maximus ulla.

XX. 1 (XV. ii).

13. Terricolas Lamias, Fauni quas Pompiliique

IX. 12. Non. p. 428 M., 'poesis et poema.' Ita fere Ellis, cp. Riese Varr. Menipp. p. 190 et 191 n. *Non haec . . . cognoscis*, codd. Quicherat; *nunc haec* et *cognosces*, Dousa; *valeant*, Lachm. prooem. 1851; *valeat*, codd.; *hoc intersiet illud*, codd.; *huic i. i*, L. M.; *hoc intersit et illud*, Gerl., Quich., alii. 4. *idem epistola item*, e. q. s. codd., varie correxerunt edd. 5. *totaque illa summast una θέσις*, codd.; *ut tota Ilias una est thesis*, Dousa, alii aliter; *unast σύνθεσις*, Francken, L. M.; *atque stoc unum*, codd. Riese, l.c.; *annalesque Enni atque e stoc liber unus*, L. M. 10. *inversum*, codd.; *versum*, edd.; *verum*, L. M. XV. 1. Non. 533. *corbita* est genus navigii tardum et grande; *versibu'*, Fruterius; *versificta, versifacta*, codd.; *navi*, Dousa. XX. 1. Lact. Inst. Div. i. 22, cp. Non. p. 56 M., qui vv. 3, 4, usque ad *homines*, quasi ex lib. xv. citat. *Terriculas*, L. M.

Instituere Numae, tremit has, hic omnia ponit.
Ut pueri infantes credunt signa omnia ahena
Vivere et esse homines: et sic isti omnia ficta
Vera putant, credunt signis cor inesse in ahenis.
Pergula pictorum, veri nihil, omnia ficta.

XXII. 2 (i).

14. Servos neque infidus domino neque inutilis quoiquam,
Lucili columella, hic situs Metrophanes.

Ex Lib. Inc. 1 (i).

14. Virtus, Albine, est pretium persolvere verum
Quis in versamur, quis vivimus rebus potesse:
Virtus est homini scire id quo quaeque habeat res.
Virtus scire homini rectum, utile, quid sit honestum;
Quae bona, quae mala item, quid inutile, turpe, inhonestum;
Virtus quaerendae finem rei scire modumque:
Virtus, divitiis pretium persolvere posse:
Virtus, id dare, quod re ipsa debetur, honori;
Hostem esse atque inimicum hominum morumque malorum,
Contra defensorem hominum morumque bonorum;
Hos magni facere, his bene velle, his vivere amicum;
Commoda praeterea patria*i* prima putare,
Deinde parentum, tertia iam postremaque nostra.

Inc. 2 (iv).

15. Nunc vero a mane ad noctem, festo atque profesto
Tot*o* it*id*em pariterque die populusque patresque
Iactare indu foro se omnes, decedere nusquam,
Uni se atque eidem studio omnes dedere et arti;
Verba dare ut caute possint, pugnare dolose;
Blanditia certare, bonum simulare virum se;
Insidias facere, ut si hostes sint omnibus omnes.

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haec omina, L. M.; *homines: sic istic*, L. M.; *istice*, Dousa. XXII. 2. Donat. ad Ter. Phorm. ii. 1, 57; Mart. xi. 90, 1, habet versum alterum. Inc. 1. Lactant. Inst. Div. vi. 5, 2. Ita Ellis. 1. *Albeine*, L. M. 3. *scire id quod quaeque habeat*, codd.; *scirei quo quaeque abeat res*, L. M., et *scirei* versu sequenti. 5. *rei*, codd.; *re*, L. M., Ellis. 11. *magni facere*, edd.; *magis facere* et *magnificare*, codd. 12. *patriae*, codd.; *patriai* 'docti.' Inc. 2. Lact. l.c. v. 9. Ita Ellis et Müller; *totus item* v. *totos item*, codd. corr. Dousa.

Inc. 3 (ix).

16. Graecum te, Albuci, quam Romanum atque Sabinum
Municipem Ponti, Tritani, centurionum,
Praeclarorum hominum ac primorum signiferumque,
Maluisti dici. Graece ergo praetor Athenis,
Id quod maluisti, te, cum ad me accedis, saluto:
Χαῖρε, inquam, Tite! Lictores, turma omnis, cohorsque,
Χαῖρε, Tite! hinc hostis mi Albucius, hinc inimicus.

Inc. 4 (x).

17. Quam lepide lexeis compostae ut tesserulae omnes
Arte pavimento atque emblemate vermiculato.

Cap. X.—Q. Lutatii Catuli versus.

Cos. v. c. 652 = a. c. 102; †667 = 87.

1. Constiteram exorientem Auroram forte salutans
Cum subito a laeva Roscius exoritur.
Pace mihi liceat caelestes dicere vestra,
Mortalis visu'st pulchrior esse deo.

2. Aufugit mi animus. Credo ut solet ad Theotimum
Devenit. Sic est: perfugium illud habet.
Qui? si non interdixem, ne illunc fugitivum
Mitteret ad se intro, sed magis eiceret?
Ibimus quaesitum. Verum ne ipsi teneamur,
Formido. Quid ago? Da Venus consilium.

Inc. 3. Cic. de Fin. i. 3, 8. Ita Ellis; *Albuti, Albutius, Tritanni*, Gerl.; χαίρετε *et hinc hostis*, L. M. Inc. 4. Cic. de Or. iii. 43, 171, cp. Orat. 44, 149, Brut. 79, 274, Quintilian. ix. 4, 113; *parimenti atque emblemati' vermiculati*, L. M., variant codices.

Lutatii. 1. Cic. de Nat. Deor. i. 28, 79. 2. Gell. xix. 9, 14, v. 1 *mihi*, codd. v. 3, *quid, si non*, Gronov.; *qui, si non*, Hertz.; *quod si non*, alii. Vide adnotata et confer Callim. Ep. 42, ἥμισύ μευ ψυχῆς ἔτι τὸ πνέον, ἥμισυ δ' οὐκ οἶδ' | εἴτ' Ἔρος εἴτ' Ἀίδης ἥρπασε, πλὴν ἀφανές. | ἦ ῥά τιν' ἐς παίδων πάλιν ᾤχετο· καὶ μὲν ἀπεῖπον | πολλάκι, 'τὴν δρῆστιν μὴ ὑπόδεχθε, νέοι.' | Εὐξίθεον δίφησον, ἐκεῖσε γὰρ ἡ λιθόλευστος | κείνη καὶ δυσέρως οἶδ' ὅτι που στρέφεται. [οὐκισυνιφησον, codd.; Εὐξίθεον, Ellis coll. Epig. 31, 5; δίφησον, Schneider, cf. Epigr. 32, 2; alii aliter.]

Cap. XI.—Ex Laberii Mimis.

v. c. 649–711 = a. c. 105–43.

Restio.

Demócritus Abderítes physicus phílosophus
Clipeúm constituit cóntra exortum Hyperíonis,
Oculós effodere ut pósset splendore aéreo.
Ita rádiis solis áciem effodit lúminis,
Malís bene esse né videret cívibus.
Sic égo fulgentis spléndorem pecúniae
Volo élucificare éxitum aetatí meae,
Ne in ré bona esse vídeam nequam fílium.

Ex Incertis. *Prologus.*

Necéssitas, cuius cúrsus transversi ímpetum
Voluérunt multi effúgere pauci pótuerunt,
Quo mé detrusit paéne extremis sénsibus!
Quem núlla ambitio, núlla unquam largítio,
Nullús timor, vis núlla, nulla auctóritas
Movére potuit ín iuventa dé statu,
Ecce ín senecta ut fácile labefécit loco
Viri éxcellentis ménte clemente édita
Summíssa placide blándiloquens orátio!
Etenim ípsi di negáre cui nil pótuerunt,
Hominém me denegáre quis possét pati?
Ego bís tricenis ánnis actis síne nóta
Equés Romanus *é* lare egressús meo
Domúm revertar mímus. Nimirum hóc die
Unó plus vixi míhi quam vivendúm fuit.
Fortúna, inmoderata ín bono aeque atque ín malo,
Si tíbi erat libitum líterarum laúdibus
Floré*n*s cacumen nóstrae famae frángere,
Cur cúm vigebam mémbris praeviridántibus,
Satis fácere populo et táli cum poterám viro
Non fléxibilem me cóncurvasti ut cárperes?

Laberii. 72–79. Gell. x. 17. Ita Ribbeck et Hertz. 77–79. Non. 136, 20, s v. *elucificare.* Prolog. 98–124. Macrob. Sat. ii. 7, cp. Gell. viii. 15. 100. *detrusti*, Scaliger; *extremis*, codd. Ribb.; varia temptavit Oudendorp. 109. *ergo*, codd. 110. *e* vel *ex* add. ex coniectura. 115. *floris*, codd. 118. *me flexibilem*, Bothius, Ribb.

Nuncine me deicis? quó? quid ad scenam ádfero?
Decórem formae an dígnitatem córporis,
Animí virtutem an vócis iucundaé sonum?
Ut hédera serpens víres arboreás necat,
Ita mé vetustas ámplexu annorum énecat:
Sepúlcri similis níl nisi nomen rétineo.

125 Porró Quirites líbertatem pérdimus.

126 Necésse est multos tímeat quem multí timent.

127 Non póssunt primi esse ómnes omni in témpore.
Summum ád gradum cum cláritatis véneris,
Consístes aegre, *níctu* citius décidas.
Cecidi égo, cadet qui séquitur: laus est pública.

Cap. XII.—Miscellanea.

§ 1. P. Syri sententiae antiquo testimonio firmatae.

Alienum est omne quicquid optando evenit.
Ab alio expectes alteri quod feceris.
Aliena nobis, nostra plus aliis placent.
Beneficium dando accepit qui digno dedit.
Comes facundus in via pro vehiculo est.
Cui plus licet quam par est, plus vult quam licet.
Cuivis potest accidere, quod cuiquam potest.
Feras non culpes, quod mutari non potest.
Furor fit laesa saepius patientia.
Frugalitas miseria est rumoris boni.
Heredis fletus sub persona risus est.
In nullum avarus bonus est, in se pessimus.
Inopiae desunt parva, avaritiae omnia.
Ita amicum habeas, posse ut facile fieri hunc inimicum putes.
Iniuriarum remedium est oblivio.
Inprobe Neptunum accusat, qui iterum naufragium facit.

119. *nuncine*, Schneidewin, Janus. 123. *enecat*, Par. a Schneid.; *necat* ceteri libri. 125. Macrob. l. c. 126. Macrob. l. c., Seneca de Ira, ii. 11, 3. 127–130 Macrob. Sat. ii. 7, 9. 129. *nictu*, Ribb.; *nec* vel *et*, MSS.; *nec me*, Janus; *nimio citius decides*, Bücheler.

Is minimo eget mortalis, qui minimum cupit.
Malum est consilium quod mutari non potest.
Numquam periclum sine periclo vincitur.
Nimium altercando veritas amittitur.
O vita misero longa, felici brevis!
Pars benefici est, quod petitur si belle neges.
Tam dest avaro quod habet, quam quod non habet.
Veterem ferendo iniuriam, invites novam.

§ 2. Epigramma Plauti ex Varrone in lib. de Poetis i. ap. Gell. i. 24.

Postquam est mortem aptus Plautus comoedia luget,
Scaena est deserta, dein Risus Ludus Iocusque
Et Numeri innumeri simul omnes conlacrimarunt.

§ 3. C. Iulius Caesar de Terentio, ap. Suet. Vit. Terent. 5, Reifferscheid, p. 34.

Tu quoque tu in summis, o dimidiate Menander,
Poneris et merito, puri sermonis amator.
Lenibus atque utinam scriptis adiuncta foret vis,
Comica ut aequato virtus polleret honore
Cum Graecis, neve hac despectus parte iaceres.
Unum hoc maceror ac doleo tibi desse, Terenti.

§ 4. Volcatius Sedigitus in lib. de Poetis, ap. Gell. xv. 24.

Multos incertos certare hanc rem vidimus,
Palmam poetae comico cui deferant.
Eum meo iudicio errorem dissolvam tibi,
Ut, contra si quis sentiat nihil sentiat.
Caecilio palmam Statio do mimico.
Plautus secundus facile exuperat caeteros.
Dein Naevius, qui fervet, pretio in tertiost.
Si erit, quod quarto detur, dabitur Licinio.
Post insequi Licinium facio Atilium.
In sexto consequetur hos Terentius.
Turpilius septimum, Trabea octavum optinet.
Nono loco esse facile facio Luscium.
Decimum addo causa antiquitatis Ennium.

SECTIO TERTIA.

EXCERPTA EX PROSAE ORATIONIS SCRIPTORIBUS.

CAP. I.—EX M. PORCII CATONIS RELIQUIIS.

V. C. 520–605 = A. C. 234–149.

§ 1. *Ex libro de Re Rustica.*

[Scriptus est in usum L. Manlii, qui Casini et Venafri fundos habuit; et vineae oleaeque potius quam agrorum culturam tractat. Capita ea praesertim delegi quae ad mores et religionem spectant. Schneideri textum plerumque secutus sum, emendatis subinde orthographia et interpunctione, adhibitis etiam H. Keilii observationibus criticis.]

Est interdum praestare mercaturis rem quaerere ni tam periculosum siet; et item fenerari, si tam honestum siet. Maiores enim nostri hoc sic habuerunt, et ita in legibus posiverunt, furem dupli condemnari, feneratorem quadrupli. Quanto peiorem civem existimarint feneratorem, quam furem, hinc licet existimari. Et virum bonum cum laudabant, ita laudabant, bonum agricolam bonumque colonum. Amplissime laudari existimabatur, qui ita laudabatur. Mercatorem autem strenuum studiosumque rei quaerendae existimo; verum (ut supra dixi) periculosum et calamitosum. At ex agricolis et viri fortissimi et milites strenuissimi gignuntur, maximeque pius quaestus stabilissimusque consequitur, minimeque invidiosus: minimeque male cogitantes sunt, qui in eo studio occupati sunt. Nunc (ut ad rem redeam) quod promisi institutum principium hoc erit.

1. Praedium quum parare cogitabis, sic in animo habeto, uti ne cupide emas, neve opera tua parcas visere, et ne satis habeas semel circumire. Quoties ibis, toties magis placebit, quod bonum erit. Vicini quo pacto niteant, id animum advertito: in bona regione bene nitere oportebit: et uti introeas, et circumspicias uti inde exire possis (*Keil cum codd.* p. 31): uti bonum caelum habeat, ne calamitosum siet. Solo bono, sua virtute valeat.

poteris, sub radice montis siet, in meridiem spectet, loco salubri, operariorum copia siet, bonumque aquarium, oppidum validum prope siet, aut mare, aut amnis, qua naves ambulant, aut via bona, celebrisque. Siet in iis agris, qui non saepe dominos mutant: qui in his agris praedia vendiderint, quos pigeat vendidisse: uti bene aedificatum siet. Caveto alienam disciplinam temere contemnas. De domino bono colono, bonoque aedificatore melius emetur. Ad villam cum venies, videto vasa torcula et dolia multane sient. Ubi non erunt, scito pro ratione fructuum esse. Instrumenti ne magni siet, loco bono siet. Videto quam minimi instrumenti, sumptuosusque ager ne siet. Scito idem agrum quod hominem, quamvis quaestuosus siet, si sumptuosus erit, relinquere non multum. Praedium quod primum siet, si me rogabis, sic dicam. De omnibus agris optimoque loco iugera agri centum; vinea est prima, si vino *bono* vel multo est (*Keil*, p. 33, *cf. Varr.* i. 7, 9); secundo loco hortus irriguus, tertio salictum, quarto oletum, quinto pratum, sexto campus frumentarius, septimo silva caedua, octavo arbustum, nono glandaria silva.

2. Paterfamilias ubi ad villam venit, ubi larem familiarem salutavit, fundum eodem die, si potest, circumeat: si non eo die, at postridie. Ubi cognovit quomodo fundus cultus siet, operaque quae facta infectaque sient, postridie eius diei vilicum vocet, roget quid operis siet factum, quid restet: satisne temperi opera sient confecta, possitne quae reliqua sient conficere: et quid factum vini, frumenti, aliarumque rerum omnium. Ubi ea cognovit, rationem inire oportet operarum, dierum, si ei opus non apparet. Dicit vilicus sedulo se fecisse, servos non valuisse, tempestates malas fuisse, servos aufugisse, opus publicum effecisse. Ubi eas aliasque causas multas dixerit, ad rationem operum operarumque vilicum revoca. Cum tempestates pluviae fuerint, videto quot dies, quaeve opera per imbrem fieri potuerint, dolia lavari, picari, villam purgari, frumentum transferri, stercus foras efferri, sterquilinium fieri, semen purgari, funes sarciri, novos fieri (*ita Keil, cum codd.* p. 30): centones, cuculiones familiam oportuisse sibi sarcire. Per ferias potuisse fossas veteres tergeri, viam publicam muniri, vepres recidi, hortum fodiri, pratum purgari, virgas vinciri, spinas runcari, expinsi far, munditias fieri. Cum servi aegrotarint, cibaria tanta dari non oportuisse. Ubi haec cognita aequo animo sient, quaeve reliqua opera sient, curare

uti perficiantur: rationes putare argentariam, frumentariam, pabuli causa quae parata sunt; rationem vinariam, oleariam, quid venierit, quid exactum siet, quid reliquum siet, quid siet quod veneat; quae satis accipiunda sient, satis accipiantur. Reliqua quae sient, ut compareant. Si quid desit in annum, uti paretur; quae supersint, uti veneant: quae opus sient locato, locentur: quae opera fieri velit, et quae locare velit, uti imperet, et ea scripta relinquat: pecus consideret. Auctionem uti faciat. Vendat oleum, si pretium habeat, vinum frumentumque quod supersit. Vendat boves vetulos, armenta delicula, oves deliculas, lanam, pelles, plostrum vetus, ferramenta vetera, servum senem, servum morbosum, et si quid aliud supersit, vendat. Patrem familias vendacem, non emacem esse oportet.

3. Prima adulescentia patrem familiae agrum conserere studiose oportet, aedificare diu cogitare oportet; conserere cogitare non oportet, sed facere oportet. Ubi aetas accessit ad annos XXXVI, tum aedificare oportet, si agrum consitum habeas. Ita aedifices, ne villa fundum quaerat, neve fundus villam. Patrem familiae villam rusticam bene aedificatam habere expedit, cellam oleariam, vinariam, dolia multa, uti lubeat caritatem expectare, et rei et virtuti et gloriae erit. Torcularia bona habere oportet ut opus bene effici possit. Olea ubi lecta siet, oleum fiat continuo, ne corrumpatur. Cogitato quotannis tempestates magnas venire, et oleam deicere solere. Si cito sustuleris, et vasa parata erunt, damni nihil erit ex tempestate, et oleum viridius et melius fiet. Si in terra et tabulato olea nimium diu erit, putescet, oleum foetidum fiet. Ex quavis olea oleum viridius et bonum fieri potest, si temperi facias. In iugera oleti CXX vasa bina esse oportet. Si oletum bonum beneque frequens cultumque erit, trapetos bonos, privos, impares esse oportet: si orbes contriti sient, ut commutare possis; funes loreos privos, vectes senos, fibulas duodenas, medipontos privos loreos, trocleas Graecanicas. Binis funibus sparteis duc*u*nt. (*K.* p. 31, *codd.* ducant). Orbiculis superioribus octonis, inferioribus senis citius duces. Si rotas voles facere, tardius ducentur, sed minore labore.

4. Bubilia bona, bonas praesepis, faliscas clatratas. Clatros interesse oportet pede. Si ita feceris, pabulum boves non eicient. Villam urbanam pro copia aedificato. In bono praedio si bene posiveris, bene aedificaveris (*codd.* *K.* p. 30); ruri si recte habitaveris,

libentius et saepius venies, fundus melios erit, minus peccabitur, fructi plus capies. Frons occipitio prior est. Vicinis bonus esto. Familiam ne siveris peccare. Si te libenter vicinitas videbit, facilius tua vendes, operas facilius locabis, operarios facilius conduces. Si aedificabis, operis, iumentis, materia adiuvabunt. Si quid (bona salute) usus venerit, benigne defendent.

5. Haec erunt vilici officia. Disciplina bona utatur. Feriae serventur. Alieno manum abstineat. Sua servet diligenter. Litibus familiae supersedeat. Si quis quid deliquerit, pro noxa bono modo vindicet. Familiae male ne sit, ne algeat, ne esuriat; opere bene exerceat: facilius malo et alieno prohibebit. Vilicus si nolet male facere, non faciet. Si passus erit, dominus impune ne sinat esse. Pro beneficio gratiam referat, ut aliis recte facere libeat. Vilicus ne sit ambulator, sobrius siet semper, ad cenam ne quo eat. Familiam exerceat: consideret, quae dominus imperaverit, fiant. Ne plus censeat sapere se, quam dominum. Amicos domini, eos habeat sibi amicos. Cui iussus siet, auscultet. Rem divinam nisi compitalibus in compito aut in foco ne faciat. Iniussu domini credat nemini. Quod dominus crediderit, exigat. Satui semen, cibaria, far, vinum, oleum mutuum dederit nemini. Duas aut tres familias habeat, unde utenda roget, et quibus det: praeterea nemini. Rationem cum domino crebro putet. Operarium, mercenarium politorem diutius eundem ne habeat die. Ne quid emisse velit insciente domino, ne quid dominum celavisse velit. Parasitum ne quem habeat. Haruspicem, Augurem, Hariolum, Chaldaeum ne quem consuluisse velit. Segetem ne defrudet: nam id infelix est. Opus rusticum omne curet uti sciat facere, et id faciat saepe, dum ne lassus fiat. Si fecerit, scibit in mente familiae quid siet, et illi animo aequiore facient. Si hoc faciet, minus libebit ambulare, et valebit rectius, et dormibit libentius. Primus cubitu surgat: postremus cubitum eat. Prius villam videat clausa uti siet, et uti suo quisque loco cubet, et uti iumenta pabulum habeant. Boves maxima diligentia curatos habeto. Bubulcis obsequitor, partim, quo libentius boves curent. Aratra vomeresque facito uti bonos habeas. Terram cariosam caveto ne ares, neve plostrum, neve pecus impellas. Si ita non caveris, quo impuleris, triennii fructum amittes. Pecori et bubus diligenter substernatur; ungulae curentur. Scabiem pecori et iumentis caveto. Id ex

fame, et si impluit, fieri solet. Opera omnia mature conficias face. Nam res rustica sic est: si unam rem sero feceris, omnia opera sero facies. Stramenta si deerunt, frondem iligneam legito; eam substernito ovibus bubusque. Sterquilinium magnum stude ut habeas. Stercus sedulo conserva, cum exportabis, spargito et comminuito. Per autumnum evehito. Circum oleas autumnitate ablaqueato, et stercus addito. Frondem populneam, ulmeam, querneam caedito, per tempus eam condito, non peraridam, pabulum ovibus. Item faenum cordum, sicilimenta de prato, ea arida condito. Post imbrem autumni rapinam, pabulum, lupinumque serito.

56. [57.] Familiae cibaria qui opus facient per hiemem, tritici modios IIII; per aestatem modios IIII S.; vilico, vilicae, epistatae, opilioni modios III. Compeditis per hiemem panis P. IIII. Ubi vineam fodere coeperint, panis P. V. usqueadeo dum ficus esse coeperint, deinde ad P. IIII redito.

57. [58.] Vinum familiae. Ubi vindemia facta erit, loram bibant menses III. Mense quarto heminas in dies, id est, in mense congios II. S. Mense quinto, sexto, septimo, octavo, in dies sextarios, id est, in mense congios quinque. Nono, decimo, undecimo et duodecimo, in dies heminas ternas: id est amphoram. Hoc amplius Saturnalibus, et Compitalibus in singulos homines congios. Summa vini in homines singulos inter annum Q. VIII: compeditis uti quicquid operis facient pro portione addito: eos non est nimium in annos singulos vini quadrantalia X. ebibere.

58. [59.] Pulmentarium familiae, oleae caducae quam plurimum condito. Postea oleas tempestivas, unde minimum olei fieri poterit, eas condito, parcito, uti quam diutissime durent. Ubi oleae comesae erunt, halecem et acetum dato. Oleum dato in menses unicuique sextarium I. Salis unicuique in anno modium satis est.

59. [60.] Vestimenta familiae tunicam P. III. S., saga alternis annis. Quoties cuique tunicam aut sagum dabis, prius veterem accipito, unde centones fiant. Sculponeas bonas alternis annis dare oportet.

60. [61.] Bubus cibaria annua in iuga singula lupini modios CXX. aut glandis modios CCXL, faeni pondo IↃXXↃ, ocini, fabae

modios XX, viciae modios XXX. Praeterea generatim videto uti satis viciae seras. Pabulum cum seres, multas sationes facito.

132. [133.] Dapem hoc modo fieri oportet. Iovi dapali culignam vini quantum vis polluceto. Eo die feriae bubus et bubulcis, et qui dapem facient. Cum pollucere oportebit, sic facies. Iupiter dapalis, quod tibi fieri oportet, in domo familia mea culignam vini dapi, eius rei ergo macte hac illace dape pollucenda esto. Manus interluito. Postea vinum sumito. Iupiter dapalis, (macte istace dape pollucenda esto); macte vino inferio esto. Vestae si voles dato. Daps Iovi assaria pecuina, urna vini Iovi caste. Profanato sine contagione. Postea dape facta serito milium, panicum, alium, lentim.

134. [135.] Priusquam messim facies, porcam praecidaneam hoc modo fieri oportet. Cereri porca praecidanea, porco femina, priusquam hasce fruges condantur, far, triticum, ordeum, fabam, semen rapicium; ture, vino, Iano, Iovi, Iunoni praefato. Priusquam porcum feminam immolabis, Iano struem commoveto sic: Iane pater, te hac strue commovenda bonas preces precor, uti sies volens propitius mihi, liberisque meis, domo familiaeque meae. Ferctum Iovi moveto et mactato sic: Iupiter te hoc fercto obmovendo bonas preces precor, uti sies volens propitius mihi liberisque meis, domo familiaeque meae. Mactus hoc fercto. Postea Iano vinum dato sic: Iane pater, uti te strue commovenda bonas preces bene precatus sum, eiusdem rei ergo macte vino inferio esto. Postea Iovi sic: Iupiter macte fercto esto; macte vino inferio esto. Postea porcam praecidaneam immolato. Ubi exta prosecta erunt, Iano struem commoveto, mactatoque item uti prius obmoveris. Iovi ferctum obmoveto, mactatoque item uti prius feceris. Item Iano vinum dato, et Iovi vinum dato, ita uti prius datum ob struem obmovendam, et ferctum libandum. Postea Cereri exta et vinum dato.

135. [136.] Romae tunicas, togas, saga, centones, sculponeas: Calibus et Minturnis cuculliones, ferramenta, falces, palas, ligones, secures, ornamenta, murices, catellas: Venafro, palas. Suessae, et in Lucanis plostra, treblae Albae: Romae dolia, labra: tegulae ex Venafro. Aratra in terram validam

Romanica bona erunt, in terram pullam Campanica, iuga Romanica optima erunt. . . vomer, is indutilis optimus erit (*Keil*, p. 77). Trapeti Pompeiis. Nolae ad Rufri maceriam claves. Clostra Romae. Hamae, urnae oleariae, urcei aquarii, urnae vinariae, alia vasa ahenea Capuae. Nolae fiscinae Campanicae. Hae hamae utiles sunt. Funis subductarius, spartum omne Capuae. Fiscinas Romanicas Suessae, Casino. Eae optimae erunt Romae. Funem torculum si quis faciet Casini L. Tunnius; Venafri C. Mennius L. F. Eo indere oportet coria bona VIII. nostratia recentia quae depsta sient, quam minimum salis habeant, ea depsere et unguere unguine prius oportet, tum siccare. . . . . .

138. [139.] Boves feriis coniungere licet. Hoc licet facere, arvehant ligna, fabalia, frumentum, quod non daturus erit. Mulis, equis, asinis feriae nullae, nisi si in familia sunt.

139. [140.] Lucum conlucare Romano more sic oportet. Porco piaculo facito. Sic verba concipito: Si deus, si dea es, quoium illud sacrum est, uti tibi ius siet porco piaculo facere, illiusce sacri coercendi ergo. Harumce rerum ergo sive ego sive quis iussu meo fecerit, uti id recte factum siet. Eius rei ergo te hoc porco piaculo immolando bonas preces precor, uti sies volens propitius mihi, domo familiaeque meae, liberisque meis. Harumce rerum ergo macte hoc porco piaculo immolando esto.

140. [141.] Si fodere velis, altero piaculo, eodem modo facito; hoc amplius dicito, operis faciundi causa: tum opus quotidie per partes facito; si intermiseris, aut feriae publicae aut familiares intercesserint, altero piaculo facito.

141. [142.] Agrum lustrare sic oportet. Impera suovitaurilia circumagi. Cum divis volentibus, quodque bene eveniat, mando tibi Mani, uti illace suovitaurilia fundum, agrum, terramque meam quota ex parte sive circumagi, sive circumferenda censeas, uti cures lustrare. Ianum, Iovemque vino praefamino, (sic dicito): Mars pater te precor, quaesoque uti sies volens propitius mihi, domo, familiaeque nostrae, quoius rei ergo agrum, terram, fundumque meum suovitaurilia circumagi iussi. Ut tu morbos visos invisosque, viduertatem, vastitudinemque, calamitates, intemperiasque prohibessis, defendas, averruncesque. Utique tu fruges, frumenta, vineta, virgultaque grandire, beneque evenire sivis. Pastores, pecuaque salva servassis, duisque

bonam salutem valetudinemque mihi, domo, familiaeque nostrae. Harumce rerum ergo fundi, terrae agrique mei lustrandi, lustrique faciendi ergo, sicuti dixi, macte hisce suovitaurilibus lactentibus immolandis esto. Mars pater eiusdem rei ergo, macte hisce suovitaurilibus lactentibus esto. Item cultro facito struem, et ferctum uti adsiet. Inde obmoveto. Ubi porcum immolabis, agnum, vitulumque, sic oportet, Eiusque rei ergo macte hisce suovitaurilibus immolandis esto. Nominare vetat matrem, neque agnum, vitulumque. Si minus in omnes litabit, sic verba concipito: Mars pater, si quid tibi in illisce suovitaurilibus lactentibus, neque satisfactum est, te hisce suovitaurilibus piaculo. Si uno, duobusve dubitaverit, sic verba concipito: Mars pater, quod tibi illoce porco, neque satisfactum est, te hoce porco piaculo.

142. [143.] Vilici officia quae sunt, quae dominus praecepit, ea omnia quae in fundo fieri oportet, quaeque emi parari que oportet, quomodoque cibaria, vestimenta familiae dari oportet, eadem uti curet, faciatque moneo, dominoque dicto audiens sit. Hoc amplius, quomodo vilicam uti oportet, et quomodo eae imperari oportet, uti adventu domini, quae opus sunt, parentur, curenturque diligenter.

143. [144.] Vilicae quae sunt officia, curato faciat. Si eam tibi dederit dominus uxorem, ea esto contentus. Ea te metuat. Facito ne nimium luxuriosa siet. Vicinas aliasque mulieres quam minimum utatur; neve domum, neve ad sese recipiat. Ad cenam nequo eat, neve ambulatrix siet. Rem divinam ni faciat, neve mandet, qui pro ea faciat, iniussu domini, aut dominae. Scito dominum pro tota familia rem divinam facere. Munda siet. Villam conversam mundamque habeat. Focum purum circumversum quotidie, priusquam cubitum eat, habeat. Kalendis, Idibus, Nonis, festus dies cum erit, coronam in focum indat. Per eosdemque dies Lari familiari pro copia supplicet. Cibum tibi et familiae curet uti coctum habeat. Gallinas multas, et ova uti habeat. Pira arida, sorba, ficos, uvas passas, sorba in sapa, et pira, et uvas in doliis, et mala struthea; uvas in vinaceis, et in urceis, in terra obrutas; et nuces Praenestinas recentes in urceo in terra obrutas habeat. Mala Scantiana in doliis, et alia, quae condi solent, et silvatica. Haec omnia quotannis diligenter uti condita habeat. Farinam bonam, et far subtile sciat facere.

160. [161.] Luxum si quod est, hac cantione sanum fiet. Harundinem prende tibi viridem P. IIII. aut V. longam. Mediam diffinde, et duo homines teneant ad coxendices. Incipe cantare, IN ALIO. S. F. MOTAS VAETA, DARIES DARDARIES ASTATARIES DISSVNAPITER, usque dum coeant. Ferrum insuper iactato. Ubi coierint, et altera alteram tetigerit; id manu prende, et dextra sinistra praecide. Ad luxum, aut ad fracturam alliga, sanum fiet. Et tamen quotidie cantato IN ALIO S. F. vel LVXATO. Vel hoc modo, HVAT HANAT HVAT, ISTA PISTA SISTA, DOMIABO DAMNAVSTRA ET LVXATO. Vel hoc modo, HVAT HAVT HAVT, ISTA SISTAR SISAR, DANNABON DVNNAVSTRA.

§ 2. *Ex Originibus.*

[Numeri sunt editionis Henrici Iordan.]

Corn. Nep. Cat. 3. 3, 4. 'Senex (Cato) historias scribere instituit. Earum sunt libri septem. Primus continet res gestas regum populi Romani, secundus et tertius unde quaeque civitas orta sit Italica: ob quam rem omnes Origines videtur appellasse. In quarto autem bellum Poenicum est primum, in quinto secundum. Atque haec omnia capitulatim sunt dicta; reliquaque bella pari modo persecutus est usque ad praeturam Servii Galbae, qui diripuit Lusitanos; atque horum bellorum duces non nominavit sed sine nominibus res notavit. In iisdem exposuit quae in Italia Hispaniisque aut fierent aut viderentur admiranda. In quibus multa industria et diligentia comparet, nulla doctrina.'

Ex Libro I.

2. Cicero pro Plancio, c. 27, 66. 'Etenim M. Catonis illud, quod in principio scripsit originum suarum, semper magnificum et praeclarum putavi, clarorum virorum atque magnorum non minus otii quam negotii rationem extare oportere.'

7*. Servius ad Verg. Aen. viii. 638, Curibusque severis.] 'Cato autem et Gellius a Sabo Lacedaemonio trahere eos (Sabinos) originem referunt. Porro Lacedaemonios durissimos fuisse omnis lectio docet. Sabinorum etiam mores populum Romanum secutum idem Cato dicit.'

8*. Servius ad Verg. Aen. i. 5. 'Troiam autem dici quam primum fecit Aeneas, et Livius in primo et Cato in originibus testantur.'

9*. Servius ad Verg. Aen. xi. 316. 'Cato enim in originibus dicit Troianos a Latino accepisse agrum qui est inter Laurentum et castra Troiana. Hic etiam modum agri commemorat et dicit eum habuisse iugera IIDCC.'

10*. Servius ad Verg. Aen. i. 267, At puer Ascanius cui nunc cognomen Iulo additur.] 'Secundum Catonem historiae hoc habet fidem: Aeneam cum patre ad Italiam venisse et propter invasos agros contra Latinum Turnumque pugnasse, in quo proelio periit Latinus; Turnum postea ad Mezentium confugisse eiusque fretum auxilio bella renovasse, quibus Aeneas Turnusque pariter rapti sunt; migrasse postea in Ascanium et Mezentium bella. Sed eos singulari certamine dimicasse.'

11*. Servius ad Verg. Aen. iv. 620. 'Cato dicit iuxta Laurolavinium, cum Aeneae socii praedas agerent, proelium commissum, in quo Latinus occisus est; fugit Turnus et Mezenti auxilio conparato renovavit proelium, qui idem victus est ab Aenea. Aeneas autem in ipso proelio non conparuit. Ascanius vero postea Mezentium interemit.'

12. Macrobius Sat. iii. 5, 10 p. 280 Ian. 'Adeo autem (Vergilius) omnem pietatem in sacrificiis quae diis exhibenda sunt posuit, ut propter contrariam causam Mezentium vocaverit contemptorem deorum. . . . Sed veram huius contumacissimi nominis causam in primo libro originum Catonis diligens lector inveniet. Ait enim Mezentium Rutulis imperasse ut sibi obferrent quas diis primitias obferebant. Et Latinos omnes similis imperii metu ita vovisse: "Iupiter, si tibi magis cordi est nos ea tibi dare potius quam Mezentio, uti nos victores facias."'

13*. Servius ad Verg. Aen. i. 269, At puer Ascanius...triginta magnos volvendis mensibus orbes explebit] 'Triginta quod xxx tantum annos regnavit, vel quod Cato ait xxx annis expletis eum Albam condidisse.'

16*. Macrobius Sat. i. 10, 16, p. 78 Ian. 'Cato ait Larentiam meretricio quaestu locupletatam post excessum suum populo Romano agros † Turacem Semurium † Lintirium et † Solinium reliquisse, et ideo sepulcri magnificentia et annuae parentationis honore dignatam.'

18*. Servius ad Verg. Aen. v. 755, Urbem designat aratro.] 'Quem Cato in originibus dicit morem fuisse. Conditores enim civitatis taurum in dextram, vaccam intrinsecus iungebant et

incincti ritu Gabino, id est togae parte caput velati parte succincti, tenebant stivam incurvam, ut glebae omnes intrinsecus caderent, et ita sulco ducto loca murorum designabant, aratrum suspendentes circa loca portarum.'

Ex Libro II.

2. Pleraque Gallia duas res industriosissime persequitur, rem militarem et argute loqui. (Charis. ii. p. 181 P.)

21. Lucum Dianium in nemore Aricino Egerius Laevius Tusculanus dedicavit dictator Latinus, hi populi communiter, Tusculanus, Aricinus, Lanuvinus, Laurens, Coranus, Tiburtis, Pometinus, Ardeatis Rutulus. (Priscian, iv. p. 629, vii. p. 761 P.)

Ex Libro IV.

1. Non lubet scribere, quod in tabula apud pontificem maximum est, quotiens annona cara, quotiens lunae aut solis lumine caligo aut quid obstiterit. (Gell. ii. 28, 6, *ita Hertz;* lumini *ceteri.*)

7. Gellius iii. 7, 1. 'Pulcrum, dii boni, facinus Graecarumque facundiarum magniloquentia condignum M. Cato libris originum de Q. Caedicio tribuno militum scriptum reliquit. Id profecto est ad hanc ferme sententiam. Imperator Poenus in terra Sicilia bello Karthaginiensi primo obviam Romano exercitu progreditur, colleis locosque idoneos prior occupat. Milites Romani, uti res nata est, in locum insinuant fraudi et perniciei obnoxium. Tribunus ad consulem venit, ostendit exitium de loci importunitate et hostium circumstantia maturum. Censeo, inquit, si rem servare vis, faciundum, ut quadringentos aliquos milites ad verrucam illam (sic enim Cato locum editum asperumque appellat) ire iubeas, eamque uti occupent imperes horterisque. Hostes profecto, ubi id viderint, fortissimus quisque et promptissimus ad occursandum pugnandumque in eos praevertentur, unoque illo negotio sese alligabunt, atque illi omnes quadringenti procul dubio obtruncabuntur. Tunc interea occupatis in ea caede hostibus tempus exercitus ex hoc loco educendi habebis. Alia nisi haec salutis via nulla est. Consul tribuno respondit, consilium quidem istud aeque providens sibi viderier. (*Madvig. adv.* 2. *p.* 592, e. q. *fidele* istud atque providens, e.q.s.) Sed istos, inquit, milites quadringentos ad eum locum in hostium cuneos quisnam erit qui ducat? Si alium, inquit tribunus, neminem

reperis, me licet ad hoc periculum utare; ego hanc tibi et rei publicae animam do. Consul tribuno gratias laudesque agit. Tribunus et quadringenti ad moriendum proficiscuntur. Hostes eorum audaciam demirantur, quorsum ire pergant, in expectando sunt. Sed ubi apparuit ad eam verrucam occupandam iter intendere, mittit adversum illos imperator Karthaginiensis peditatum equitatumque, quos in exercitu viros habuit strenuissimos. Romani milites circumveniuntur, circumventi repugnant, fit proelium diu anceps; tandem superat multitudo. Quadringenti omnes cum uno perfossi gladiis aut missilibus operti cadunt. Consul interim, dum ibi pugnatur, se in locos tutos atque editos subducit. Sed quod illi tribuno, duci militum quadringentorum, divinitus in eo proelio usus venit, non iam nostris sed ipsius Catonis verbis subiecimus.'

Dii immortales tribuno militum fortunam ex virtute eius dedere. Nam ita evenit, cum saucius multifariam ibi factus esset, tamen vulnus capiti nullum evenit, eumque inter mortuos defetigatum vulneribus atque quod sanguen eis defluxerat cognovere, eum sustulere, isque convaluit, saepeque postilla operam rei publicae fortem atque strenuam perhibuit, illoque facto quod illos milites subduxit exercitum servavit. Sed idem benefactum quo in loco ponas nimium interest. Leonides Laco qui simile apud Thermopylas fecit, propter eius virtutes omnis Graecia gloriam atque gratiam praecipuam claritudinis inclitissimae decoravere monumentis signis statuis elogiis historiis aliisque rebus; gratissimum id eius factum habuere. At tribuno militum parva laus pro factis relicta, qui idem fecerat atque rem servaverat.

8. Cicero de Senect. 20, 75. 'Legiones nostras, quod scripsi in originibus, in eum saepe locum profectas alacri animo et erecto, unde se numquam redituras arbitrarentur.'

Liber VII.

10. Servius ad Verg. Aen. iii. 64, Caeruleis vittis.] 'Cato ait deposita veste purpurea feminas usas caerulea, cum lugerent.'

12*. Cic. Tusc. iv. 2. 'Gravissimus auctor in originibus dixit Cato morem apud maiores hunc epularum fuisse, ut deinceps qui accubarent canerent ad tibiam clarorum virorum laudes atque virtutes.' (Cp. Tusc. i. 2, 3, Brut. 19, 75.)

13*. Servius ad Verg. Aen. i. 726, Atria.] 'Ut supra diximus tangit morem Romanorum. Nam, ut ait Cato, et in atrio et duobus ferculis epulabantur antiqui.'

§ 3. *Ex Orationibus. De Sumptu Suo.*

Iussi caudicem proferri, ubi mea oratio scripta erat de ea re quod sponsionem feceram cum M. Cornelio. Tabulae prolatae. Maiorum benefacta perlecta, deinde quae ego pro re publica fecissem leguntur. Ubi id utrumque perlectum est, deinde scriptum erat in oratione 'numquam ego pecuniam neque meam neque sociorum per ambitionem dilargitus sum.' Attat noli noli scribere (peribere *coni. Mommsen*), inquam, istud, nolunt audire. Deinde recitavit 'numquam praefectos per sociorum vestrorum oppida inposivi, qui eorum bona, liberos diriperent.' Istud quoque dele, nolunt audire. Recita porro. 'Numquam ego praedam neque quod de hostibus captum esset, neque manubias inter pauculos amicos meos divisi, ut illis eriperem qui cepissent.' Istuc quoque dele, nihil minus volunt dici; non opus est recitato. 'Numquam ego evectionem datavi, quo amici mei per symbolos pecunias magnas caperent.' Perge istuc quoque uti cum maxime delere. 'Numquam ego argentum pro vino congiario inter apparitores atque amicos meos disdidi, neque eos malo publico divites feci.' Enim vero usque istuc ad lignum dele. Videsis, quo loco res publica siet, uti (*Haupt.* ubi) quod rei publicae bene fecissem, unde gratiam capiebam, nunc idem illud memorare non audeo, ne invidiae siet. Ita inductum est male facere inpoene, bene facere non inpoene licere. (Fronto, Epist. ad Antonin. i. 2, p. 99 Naber.)

De Suis Virtutibus contra [L.] Thermum.

1. Ego iam a principio in parsimonia atque in duritia atque industria omnem adulescentiam meam abstinui, agro colendo, saxis Sabinis, silicibus repastinandis atque conserendis. (Fest. p. 281.)

2. Quid mihi fieret, si non ego stipendia omnia ordinarius meruissem semper. (Fest. p. 185.)

3. M. Fulvio consuli legatus sum in Aetoliam. Propterea quod ex Aetolia conplures venerant, Aetolos pacem velle; de ea re oratores Romam profectos. (Fest. p. 182.)

4. Aliud est properare, aliud festinare. Qui unum quicquid mature transigit, is properat; qui multa simul incipit neque perficit, is festinat. Ego unum quicquid quod adortus eram transigebam. (Gell. xvi. 14.)

Si se M. Caelius Trib. pl. appellasset.

1. Numquam tacet quem morbus tenet loquendi, tamquam veternosum bibendi atque dormiendi. Quod si non coveniatis, cum convocari iubet, ita cupidus orationis conducat qui auscultet. Itaque auditis, non auscultatis, tamquam pharmacopolam. Nam eius verba audiuntur, verum se nemo committit [ei], si aeger est. (Gell. i. 15, 8.)

2. Frusto panis conduci potest, vel uti taceat vel uti loquatur. (Ibid. 10.)

3. In coloniam me hercules scribere nolim, si trium virum sim, spatiatorem atque fescenninum. (Fest. p. 344.)

4. Descendit de cantherio, inde staticulos dare, ridicularia fundere. (Macrob. iii. 14, 9.)

5. Praeterea cantat, ubi collibuit, interdum Graecos versus agit, iocos dicit, voces demutat, staticulos dat. (Ibid.)

6. Quid ego cum illò dissertem amplius, quem ego denique credo in pompa vectitatum iri ludis pro citeria atque cum spectatoribus sermocinaturum. (Fest. Ep. p. 59.)

7. Si em percussi, saepe incolumis abii. Praeterea pro scapulis atque aerario multum rei publicae profui. (Fest. p. 234.)

§ 4. *Ad Marcum Filium.*

1. Dicam de istis Graecis suo loco. Marce fili, quid Athenis exquisitum habeam, et quod bonum sit illorum literas inspicere, non perdiscere. Vincam nequissimum et indocile (inoetile *coni. Iordan*) *esse* genus illorum. Et hoc puta vatem dixisse, quandoque ista gens suas literas dabit, omnia conrumpet, tum etiam magis, si medicos suos huc mittet. Iurarunt inter se barbaros necare omnis medicina, sed hoc ipsum mercede facient, ut fides iis sit et facile disperdant. Nos quoque dictitant barbaros et spurcius nos quam alios Opicon (Opicos *codd.*) appellatione foedant. Interdixi tibi de medicis. (Plin. N. H. xxix. 7, 14 sq.)

§ 5. *Carmen de Moribus.*

1. Avaritiam omnia vitia habere putabant. Sumptuosus, cupidus, elegans, vinosus, incitus qui habebatur, is laudabatur. (Gell. xi. 2. *Ita Madvig. adv.* 2. p. 601; *codd.* vitiosus, inritus.)

2. Vestiri in foro honeste mos erat, domi quod satis erat. Equos carius quam coquos emebant. Poëticae artis honos non erat. Siquis in ea re studebat aut sese ad convivia adplicabat, grassator vocabatur. (Ibid.)

3. Nam vita humana prope uti ferrum est. Si exerceas, conteritur: si non exerceas, tamen rubigo interficit. Item homines exercendo videmus conteri; si nihil exerceas, inertia atque torpedo plus detrimenti facit quam exercitio. (Ibid.)

CAP. II.—HISTORICORUM FRAGMENTA QUAEDAM

[Numeri sunt editionis Hermanni Peter.]

§ 1. *Ex L. Cassii Heminae Annalibus.*

LIB. IV.

37. Plin. N. H. xiii. 84. Cassius Hemina, vetustissimus auctor annalium, quarto eorum libro prodidit, Cn. Terentium scribam agrum suum in Ianiculo repastinantem effodisse arcam, in qua Numa, qui Romae regnavit, situs fuisset. In eadem libros eius repertos P. Cornelio L. filio Cethego, M. Baebio M. filio Tamphilo cos., ad quos a regno Numae colliguntur anni DXXXV; hos fuisse e charta, maiore etiamnum miraculo, quod infossi duraverint. Quapropter in re tanta ipsius Heminae verba ponam: 'Mirabantur ali, quomodo illi libri durare possent. Ille ita rationem reddebat: lapidem fuisse quadratum circiter in media arca evinctum candelis quoquo versus. In eo lapide insuper libros insitos fuisse, propterea arbitrarier non conputuisse. Et libros citratos fuisse, propterea arbitrarier tineas non tetigisse. In iis libris scripta erant philosophiae Pythagoricae.'...Eosque conbustos a Q. Petilio praetore, quia philosophiae scripta essent. ...... Inter omnis vero convenit, Sibyllam ad Tarquinium Superbum tris libros adtulisse, ex quibus sint duo cremati ab ipsa, tertius cum Capitolio Sullanis temporibus.

§ 2. *Ex Fabii Pictoris Iure Pontificio.*

Lib. I.

1. Gell. i. 12, 14. In libro primo Fabii Pictoris, quae verba pontificem maximum dicere oporteat, cum virginem capiat, scriptum est. Ea verba haec sunt: Sacerdotem Vestalem, quae sacra faciat, quae ius siet sacerdotem Vestalem facere pro populo Romano Quiritibus, uti quae optima lege fuit, ita te, Amata, capio.

2. Gell. x. 15. Caerimoniae impositae flamini Diali multae, item castus multiplices, quos in libris, qui de sacerdotibus publicis conpositi sunt, item in Fabii Pictoris librorum primo scriptos legimus, unde haec ferme sunt, quae commeminimus: Equo Dialem flaminem vehi religio est, *et* classem procinctam extra pomoerium, id est exercitum armatum, videre. Idcirco rarenter flamen Dialis creatus consul est, cum bella consulibus mandabantur. Item iurare Dialem fas numquam est. Item annulo uti nisi pervio cassoque fas non est. Ignem e flaminia, id est flaminis Dialis domo, nisi sacrum efferri ius non est. Vinctum, si aedes eius introierit, solvi necessum est et vincula per impluvium in tegulas subduci atque inde foras in viam demitti. Nodum in apice neque in cinctu neque alia in parte ullum habet. Si quis ad verberandum ducatur, si ad pedes eius supplex procubuerit, eo die verberari piaculum est. Capillum Dialis nisi qui liber homo est, non detonset. Capram et carnem incoctam et ederam et fabam neque tangere Diali mos est neque nominare. Propagines e vitibus altius praetentas non succidet. Pedes lecti, in quo cubat, luto tenui circumlitos esse oportet et de eo lecto trinoctium continuum non decubat neque in eo lecto cubare *neque* alium fas est neque . . . . apud eius lecti fulcrum capsulam esse cum strue atque ferto oportet. Unguium Dialis et capilli segmina subter arborem felicem terra operiuntur. Dialis cotidie feriatus est. Sine apice sub divo esse licitum non est. (Sub tecto uti liceret, non pridem a pontificibus constitutum Masurius Sabinus scribsit et alia quaedam remissa gratiaque aliquot caerimoniarum facta dicitur.) Farinam fermento inbutam adtingere ei fas non est. Tunica intima, nisi in locis tectis, non exuit se, *ne* sub caelo, tamquam sub oculis Iovis, nudus sit. Super

flaminem Dialem in convivio, nisi rex sacrificulus, haut quisquam alius accumbit. Uxorem si amisit, flaminio decedit. Matrimonium flaminis nisi morte dirimi ius non est. Locum, in quo bustum est, numquam ingreditur, mortuum numquam attingit; funus tamen exequi non est religio. Eaedem ferme caerimoniae sunt *flaminicae* . . . . flaminicas Dialis seorsum aiunt observitare, veluti est: quod venenato operitur, et quod in rica surculum de arbore felici habet, et quod scalas, *nisi* quae Graecae appellantur, ascendere ei plus tribus gradibus religiosum est, atque etiam, cum it ad Argeos, quod neque comit caput neque capillum depectit.

3*. Serv. ad Verg. Georg. i. 21. Fabius Pictor hos deos enumerat, quos invocat flamen, sacrum Cereale faciens Telluri et Cereri: Vervactorem, Reparatorem, Inporcitorem, Insitorem, Obaratorem, Occatorem, Sarritorem, Subruncinatorem, Messorem, Convectorem, Conditorem, Promitorem.

§ 3. *Ex L. Calpurnii Pisonis Annalibus.* (*Tr. pl.* v. c. 605 = 149.)

LIB. VI.

33*. Plin. xviii. 41. C. Furius Cresimus e servitute liberatus cum in parvo admodum agello largiores multo fructus perciperet quam ex amplissimis vicinitas, in invidia magna erat, ceu fruges alienas perliceret veneficiis. Quam ob rem a Sp. Albino curuli *aedile* die dicta metuens damnationem, cum in suffragium tribus oporteret ire, instrumentum rusticum omne in forum attulit et adduxit familiam suam validam atque, ut ait Piso, bene curatam ac vestitam, ferramenta egregie facta, graves ligones, vomeres ponderosos, boves saturos. Postea dixit: Veneficia mea, Quirites, haec sunt, nec possum vobis ostendere aut in forum adducere lucubrationes meas vigiliasque et sudores. Omnium sententiis absolutus itaque est.

§ 4. *Ex C. Sempronii Tuditani Annalibus.* (*Cos.* v. c. 625 = 129.)

5. Gell. N. Att. vii. (vi.) 4, 1. Quod satis celebre est de Atilio Regulo, id nuperrime legimus in Tuditani libris: Regulum captum ad ea, quae in senatu Romae dixit suadens, ne captivi cum Carthaginiensibus permutarentur, id quoque addidisse, venenum sibi Carthaginienses dedisse, non praesentarium, sed eius

modi quod mortem in diem proferret, eo consilio, ut viveret quidem tantisper quoad fieret permutatio, post autem grassante sensim veneno contabesceret. Eundem Regulum Tubero in historiis redisse Carthaginem novisque exemplorum modis excruciatum a Poenis dicit....Tuditanus autem somno diu prohibitum atque ita vita privatum refert, idque ubi Romae cognitum est, nobilissimos Poenorum captivos liberis Reguli a senatu deditos et ab his in armario muricibus praefixo destitutos eademque insomnia cruciatos interisse.

§ 5. *Ex L. Coelii Antipatri Belli Punici alterius historia.*

(*Historias edidit post C. Gracchi mortem* v. c. 633=121.)

Lib. I.

11*. Cicer. de Div. i. 24, 49. Hoc item in Sileni, quem Coelius sequitur, Graeca historia est; is autem diligentissime res Hannibalis persecutus est: Hannibalem, cum cepisset Saguntum, visum esse in somnis a Iove in deorum concilium vocari.... Quo cum venisset, Iovem imperavisse, ut Italiae bellum inferret, ducemque ei unum e concilio datum, quo illum utentem cum exercitu progredi coepisse. Tum ei ducem illum praecepisse, ne respiceret, illum autem id diutius facere non potuisse elatumque cupiditate respexisse: tum visam beluam vastam et immanem, circumplicatam serpentibus, quacunque incederet omnia arbusta, virgulta, tecta pervertere. Et eum admiratum quaesisse de deo, quodnam illud esset tale monstrum: et deum respondisse, vastitatem esse Italiae, praecepisseque ut pergeret protinus. Quid retro atque a tergo fieret, ne laboraret.

20*. Cicer. de Div. i. 35, 77. Quid? Bello Punico secundo nonne C. Flaminius consul iterum neglexit signa rerum futurarum magna cum clade rei publicae? qui exercitu lustrato cum Arretium versus signa movisset et contra Hannibalem legiones duceret, et ipse et equus eius ante signum Iovis Statoris sine causa repente concidit, nec eam rem habuit religioni, obiecto signo, ut peritis videbatur, ne committeret proelium. Idem cum tripudio auspicaretur, pullarius diem proelii committendi differebat. Tum Flaminius ex eo quaesivit, si ne postea quidem pulli pascerentur, quid faciendum censeret. Cum ille quiescendum respondisset, Flaminius: 'Praeclara vero auspicia, si esu-

rientibus pullis res geri poterit, saturis nihil geretur.' Itaque signa convelli et se sequi iussit. Quo tempore cum signifer primi astati signum non posset movere loco, nec quicquam proficeretur, plures cum accederent, Flaminius re nuntiata suo more neglexit. Itaque tribus iis horis concisus exercitus atque ipse interfectus est. Magnum illud etiam quod addidit Coelius, eo tempore ipso, cum hoc calamitosum proelium fieret, tantos terrae motus in Liguribus, Gallia compluribusque insulis totaque in Italia factos esse, ut multa oppida conruerint, multis locis labes factae sint, terraeque desiderint fluminaque in contrarias partes fluxerint atque in amnes mare influxerit.

§ 6. *Ex Sempronii Asellionis rebus gestis.* (*Videtur scripsisse inter annos* v. c. 664–674 = 90–80.)

Lib. I.

1. Gell. v. 18, 7. Cum vero non per annos sed per dies singulos res gestae scribuntur, ea historia Graeco vocabulo ἐφημερὶς dicitur, cuius Latinum interpretamentum scriptum est in libro Semproni Asellionis primo, ex quo libro plura verba ascripsimus, ut simul ibidem, quid ipse inter res gestas et annales esse dixerit, ostenderemus: Verum inter eos, inquit, qui annales relinquere voluissent, et eos, qui res gestas a Romanis perscribere conati essent, omnium rerum hoc interfuit: annales libri tantum modo quod factum, quoque anno gestum sit, ea demonstrabant ita, quasi qui diarium scribunt, quam Graeci ἐφημερίδα vocant. Nobis non modo satis esse video, quod factum esset, id pronuntiare, sed etiam, quo consilio quaque ratione gesta essent, demonstrare. 2. Paulo post idem Asellio in eodem libro: Nam neque alacriores ad rem p. defendundam neque segniores ad rem perperam faciundam annales libri commovere quicquam possunt. Scribere autem bellum initum quo consule et quo confectum sit et quis triumphans introierit ex eo bello, quaeque in bello gesta sint non praedicare, aut interea quid senatus decreverit aut quae lex rogatione lata sit, neque quibus consiliis ea gesta sint iterare: id fabulas pueris est narrare, non historias scribere.

§ 7. *Ex Q. Claudii Quadrigarii Annalibus.*

(*Scripsit iisdem fere temporibus.*)

Lib. I.

10. Gell. ix. 13, 4 sqq. (cp. Liv. vii. 9, 6). Quis hostis [*Manlii Torquati*] et quid genus, quam formidandae vastitatis et quantum insolens provocator et cuimodi fuerit pugna decertatum, Q. Claudius primo annalium purissime atque inlustrissime simplicique et incompta orationis antiquae suavitate descripsit.—Verba Q. Claudi, quibus pugna ista depicta est, adscripsi: Cum interim Gallus quidam nudus praeter scutum et gladios duo torque atque armillis decoratus processit, qui et viribus et magnitudine et adulescentia simulque virtute ceteris antistabat. Is maxime proelio commoto atque utrisque summo studio pugnantibus manibus significare coepit utrisque, quiescerent. Pugnae facta pausa est. Extemplo silentio facto cum voce maxima conclamat, si quis secum depugnare vellet, uti prodiret. Nemo audebat propter magnitudinem atque inmanitatem facies. Deinde Gallus inridere coepit atque linguam exertare. Id subito perdolitum est cuidam Tito Manlio, summo genere gnato, tantum flagitium civitati adcidere, e tanto exercitu neminem prodire. Is, ut dico, processit neque passus est virtutem Romanam ab Gallo turpiter spoliari. Scuto pedestri et gladio Hispanico cinctus contra Gallum constitit. Metu magno ea congressio in ipso ponti utroque exercitu inspectante facta est. Ita, ut ante dixi, constiterunt: Gallus sua disciplina scuto proiecto cunctabundus, Manlius animo magis quam arte confisus, scuto scutum percussit atque statum Galli conturbavit. Dum se Gallus iterum eodem pacto constituere studet, Manlius iterum scuto scutum percutit atque de loco hominem iterum deiecit; eo pacto ei sub Gallicum gladium successit, ne Gallus impetum in ictu haberet, atque Hispanico pectus hausit, deinde continuo humerum dextrum eodem congressu incidit neque recessit usquam, donec subvertit. Ubi eum subvertit, caput praecidit, torquem detraxit eamque sanguinulentam sibi in collum imponit. Quo ex facto ipse posterique eius Torquati sunt cognominati.

12**. Gell. N. Att. ix. 11 (cp. Liv. vii. 25, 26). De Maximo Valerio, qui Corvinus appellatus est ob auxilium propugnatio-

nemque corvi alitis, haut quisquam est nobilium scriptorum, qui secus dixerit. Ea res prorsus miranda sic profecto est in libris annalibus memorata:

Adulescens tali genere editus, L. Furio Claudio Appio consulibus, fit tribunus militaris. Atque in eo tempore copiae Gallorum ingentes agrum Pomptinum insederant, instruebanturque acies a consulibus de vi ac multitudine hostium satis agentibus. Dux interea Gallorum, vasta et ardua proceritate armisque auro praefulgentibus, grandia ingrediens et manu telum reciprocans incedebat, perque contemptum et superbiam circumspiciens despiciensque omnia venire iubet et congredi, si quis pugnare secum ex omni Romano exercitu auderet. Tum Valerius tribunus, ceteris inter metum pudoremque ambiguis, impetrato prius a consulibus, ut in Gallum, tam inaniter adrogantem, pugnare sese permitterent, progreditur intrepide modesteque obviam; et congrediuntur et consistunt et conserebantur iam manus. Atque ibi vis quaedam divina fit: corvus repente inprovisus advolat et super galeam tribuni insistit atque inde in adversarii os atque oculos pugnare incipit; insilibat, obturbabat et unguibus manum laniabat et prospectum alis arcebat atque, ubi satis saevierat, revolabat in galeam tribuni. Sic tribunus spectante utroque exercitu et sua virtute nixus et opera alitis propugnatus ducem hostium ferocissimum vicit interfecitque atque ob hanc causam cognomen habuit Corvinus. Id factum est annis quadringentis quinque post Romam conditam.

Lib. III.

40. Gell. iii. 8. Cum Pyrrus rex in terra Italia esset et unam atque alteram pugnas prospere pugnasset satisque agerent Romani et pleraque Italia ad regem descivisset, tum Ambraciensis quispiam Timochares, regis Pyrri amicus, ad C. Fabricium consulem furtim venit ac praemium petivit et, si de praemio conveniret, promisit regem venenis necare; idque facile esse factu dixit, quoniam filius suus pocula in convivio regi ministraret. Eam rem Fabricius ad senatum scripsit. Senatus ad regem legatos misit mandavitque, ut de Timochare nihil proderent sed monerent, uti rex circumspectius ageret atque a proximorum insidiis salutem tutaretur. Hoc ita, uti diximus, in Valeri Antiatis historia scriptum est. Quadrigarius autem in

libro tertio non Timocharem sed Niciam adisse ad consulem scripsit, neque legatos a senatu missos sed a consulibus, et *Pyrrum* populo Romano laudes atque gratias scripsisse captivosque omnes, quos tum habuit, vestivisse et reddidisse. 41. Consules tum fuerunt C. Fabricius et Q. Aemilius. Literas, quas ad regem Pyrrum super ea causa miserunt, Claudius Quadrigarius scripsit fuisse hoc exemplo:

'Consules Romani salutem dicunt Pyrro regi.

Nos pro tuis iniuriis continuis animo tenus commoti inimiciter tecum bellare studemus. Sed communis exempli et fidei ergo visum, ut te salvum velimus, ut esset quem armis vincere possemus. Ad nos venit Nicias, familiaris tuus, qui sibi praemium a nobis peteret, si te clam interfecisset. Id nos negavimus velle, neve ob eam rem quicquam commodi expectaret, et simul visum est, ut te certiorem faceremus, ne quid eius modi, si accidisset, nostro consilio civitates putarent factum, et, quod nobis non placet, pretio aut praemio aut dolis pugnare. Tu nisi caves, iacebis.'

§ 8. *Ex Valerii Antiatis Annalibus.*

Lib. II.

6. Arnob. v. 1. In secundo Antiatis libro, ne quis forte nos aestimet concinnare per calumnias crimina, talis proscripta est fabula: Numam illum regem, cum procurandi fulminis scientiam non haberet, essetque illi cupido noscendi, Egeriae monitu castos duodecim iuvenes apud aquam concelasse cum vinculis, ut, cum Faunus et Martius Picus ad id locorum venissent haustum—nam illis aquandi solemne iter huc fuit—invaderent, constringerent, conligarent. Sed quo res fieri expeditius posset, regem pocula non parvi numeri vino mulsoque complesse circaque accessus fontis insidiosam venturis opposuisse fallaciam. Illos more de solito bibendi adpetitione correptos ad hospitia nota venisse. Sed cum liquoribus odoratis offendissent fragrantia pocula, vetustioribus anteposuisse res novas, invasisse aviditer, dulcedine potionis captos hausisse plus nimio, obdormivisse factos graves. Tum bis senos incubuisse sopitis, iniecisse madidatis vincula, expergitosque illos statim perdocuisse regem, quibus ad terras modis Iuppiter posset et sacrificiis elici; et accepta regem scientia rem in Aventino fecisse divinam, elexisse ad terras Iovem, ab

eoque quaesisse ritum (*fortasse* rectum) procurationis morem. Iovem diu cunctatum 'expiabis' dixe 'capite fulgurita.' Regem respondisse 'caepitio.' Iovem rursus 'humano.' Rettulisse regem 'sed capillo.' Deum contra 'animali.' 'Maena' subiecisse Pompilium. Tunc ambiguis Iovem propositionibus captum extulisse hanc vocem: 'Decepisti me Numa; nam ego humanis capitibus procurari constitueram fulgurita, tu maena, capillo, caepitio. Quoniam me tamen tua circumvenit astutia, quem voluisti, habeto morem et his rebus, quas pactus es, procurationem semper suscipies fulguritorum.'

Cap. III.—Oratorum Fragmenta.

§ 1. L. AEMILIVS PAVLLVS MACEDONICVS.

V.C. 528–594 = A.C. 228–160.

Oratio de Rebus a se gestis ad populum, paucis diebus post triumphum. V.C. 587 = A.C. 167.

Cum in maximo proventu felicitatis nostrae, Quirites, timerem nequid mali fortuna moliretur, Iovem optimum maximum Iunonemque reginam et Minervam precatus sum, ut, si quid adversi populo Romano inmineret, totum in meam domum converteretur. Quapropter bene habet; annuendo enim votis meis id egerunt, ut vos potius meo casu doleatis quam ego vestro ingemiscerem. (Val. Max. v. 10, ed. Halm.)

§ 2. C. TITIVS.

Oratio pro Lege Fannia, dicta V.C. 593 = A.C. 161.

Ludunt alea studiose, delibuti unguentis, scortis stipati. Ubi horae decem sunt, iubent puerum vocari, ut comitium eat percontatum, quid in foro gestum sit, qui suaserint, qui dissuaserint, quot tribus iusserint, quot vetuerint; inde ad comitium vadunt, ne litem suam faciant. Dum eunt nulla est in angiporto amphora quam non impleant, quippe qui vesicam plenam vini habeant. Veniunt in comitium tristes, iubent dicere; quorum negotium est narrant, iudex testes poscit, ipsus it minctum.

Ubi redit, ait se omnia audivisse, tabulas poscit: literas inspicit, vix prae vino sustinet palpebras. Eunt in consilium; ibi haec oratio: 'Quid mihi negotii est cum istis nugatoribus? quam (quin *coni. Madvig*) potius potamus mulsum mixtum vino graeco, edimus turdum pinguem bonumque piscem, lupum germanum, qui inter duos pontes captus fuit.' (Macrob. Sat. iii. 16, 15.)

§ 3. Q. CAECILIVS METELLVS MACEDONICVS.

Natus v.c. 566 = 188, censor v.c. 614 = 140.

Oratio de Prole augenda in censura.

(*a.*) Si sine uxore possemus, Quirites, [esse], omnes ea molestia careremus: sed quoniam ita natura tradidit ut nec cum illis satis commode, nec sine illis ullo modo vivi possit, saluti perpetuae potius quam brevi voluptati consulendum.

(*b.*) Di inmortales plurimum possunt, sed non plus velle nobis debent quam parentes. At parentes, si pergunt liberi errare, bonis exheredant. Quid ergo nos a diis inmortalibus diutius exspectamus, nisi malis rationibus finem faciamus? Isdem deos propitios esse aequum est, qui sibi adversarii non sunt. Di inmortales virtutem adprobare non adhibere debent. (Gell. i. 6, qui Metello Numidico tribuit.)

§ 4. P. SCIPIO AEMILIANVS AFRICANVS MINOR.

v.c. 569–625 = A.C. 185–129.

(1.) *Oratio pro se c. Ti. Claudium Asellum tr. pl. de multa ad populum, habita* v.c. 615 = 139.

Omnia mala probra flagitia quae homines faciunt, in duabus rebus sunt, malitia atque nequitia. Utrum defendis malitiam an nequitiam an utrumque simul? Si nequitiam defendere vis, licet: sed tu in uno scorto maiorem pecuniam absumsisti, quam quanti omne instrumentum fundi Sabini in censum dedicavisti. Si hoc ita est, qui spondet mille nummum? Sed tu plus tertia parte pecuniae paternae perdidisti atque absumsisti in flagitiis. Si hoc ita est, qui spondet mille mummum? Non vis nequitiam. Age malitiam saltem defendas. Sed tu verbis conceptis coniura-

visti sciens sciente animo tuo. Si hoc ita est, qui spondet mille nummum? (Gell. vi. (vii.) 11, 9.)

(2.) *Oratio contra Legem Iudiciariam Tib. Gracchi.* v.c. 621 = 133.

Docentur praestigias inhonestas: cum cinaedulis, et sambuca psalterioque eunt in ludum histrionum. Discunt cantare quae maiores nostri ingenuis probro ducier voluerunt. Eunt, inquam, in ludum saltatorium inter cinaedos virgines puerique ingenui. Haec cum mihi quisquam narrabat, non poteram animum inducere ea liberos suos homines nobiles docere. Sed cum ductus sum in ludum saltatorium plus medius fidius in eo ludo vidi pueris virginibusque quinquaginta (*al.* quingentis); in his unum, quod me reipublicae maxime misertum est, puerum bullatum, petitoris filium non minorem annis duodecim, cum crotalis saltare, quam saltationem inpudicus servulus honeste saltare non posset. (Macrob. Sat. iii. 14, 6).

(3.) *Dissuasio Legis Papiriae.* v.c. 623 = 131.

Auctor de Viris Illustribus, 58. Ob res gestas superbus Gracchum iure caesum videri respondit (Scipio) obstrepente populo, Taceant, inquit, quibus Italia noverca non mater est; et addidit: quos ego sub corona vendidi.

§ 5. C. LAELIVS SAPIENS. Cos. v.c. 614 = 140.

Laudatio P. Scipionis Aemiliani Q. Fabio Maximo scripta, A.C. 129.

Quiapropter neque tanta diis inmortalibus gratia haberi possit, quanta habenda est, quod is cum illo animo atque ingenio hac civitate potissimum natus est, neque ita moleste atque aegre ferri quam ferundum est, quum eo morbo mortem obiit et in eodem tempore periit, quum et vobis et omnibus, qui hanc rempublicam salvam volunt, maxime vivo opus est, Quirites. (Schol. Bobiensia in Cic. pro Milone, p. 283, ed. Orell.)

§ 6. C. SEMPRONIVS GRACCHVS.

v.c. 600–633 = A.C. 154–121.

(1.) *Pro Lege Papiria*, v.c. 623 = 131.

(*a*.) Pessimi Tiberium, fratrem meum optimum, interfecerunt: em, videte, quam par pari sint! (Charis. p. 143.)

(*b.*) Qui sapientem eum faciet? Qui et vobis et reipublicae et sibi communiter prospiciat, non qui pro suilla humanam trucidet. (Charis. p. 116, pro syllahumanem *cod.*; *emendavit H. Nettleship.*)

(2.) *Apud Censores,* v. c. 630=124.

(*a.*) Abesse non potest, quin eiusdem hominis sit probos improbare, qui improbos probet. (Cic. Orator, 70.)

(*b.*) Versatus sum in provincia, quomodo ex usu vestro existimabam esse, non quomodo ambitioni meae conducere arbitrabar. Nulla apud me fuit popina, neque pueri eximia facie stabant, et in convivio liberi vestri modestius erant, quam apud principia .... Ita versatus sum in provincia, uti nemo posset vere dicere, assem aut eo plus in muneribus me accepisse, aut mea opera quemquam sumptum fecisse. Biennium fui in provincia. Si ulla meretrix domum meam introivit aut cuiusquam servulus propter me sollicitatus est, omnium nationum postremissimum nequissimumque existimatote. Cum a servis eorum tam caste me habuerim, inde poteritis considerare, quomodo me putetis cum liberis vestris vixisse ..... Itaque, Quirites, cum Romam profectus sum, zonas, quas plenas argenti extuli, eas ex provincia inanes retuli. Alii vini amphoras, quas plenas tulerunt, eas argento repletas domum reportaverunt. (Gell. xv. 12.)

(3.) *De Legibus a se promulgatis,* v. c. 631=123.

(*a.*) Si vellem apud vos verba facere et a vobis postulare, cum genere summo ortus essem et cum fratrem propter vos amisissem, nec quisquam de P. Africani et Tiberi Gracchi familia nisi ego et puer restaremus, ut pateremini hoc tempore me quiescere, ne a stirpe genus nostrum interiret, et uti aliqua propago generis nostri reliqua esset: haud scio an lubentibus a vobis impetrassem. (Schol. Bobiensia in Cic. Orationes, p. 365, ed. Orell.)

(*b.*) Nuper Teanum Sidicinum consul venit, uxor eius dixit se in balneis virilibus lavari velle. Quaestori Sidicino a M. Mario datum est negotium uti balneis exigerentur qui lavabantur. Uxor renuntiat viro, parum cito sibi balneas traditas esse et parum lautas fuisse. Idcirco palus destitutus est in foro eoque adductus suae civitatis nobilissimus homo M. Marius. Vesti-

menta detracta sunt, virgis caesus est. Caleni ubi id audierunt edixerunt, ne quis in balneis lavisse vellet cum magistratus Romanus ibi esset. Ferentini ob eandem causam praetor noster quaestores arripi iussit; alter se de muro deiecit, alter prensus et virgis caesus est. (Gell. x. 3.)

(*c.*) Quanta libido quantaque intemperantia sit hominum adulescentium, unum exemplum vobis ostendam. His annis paucis ex [S.c. in] Asia[m] missus est, qui per id tempus magistratum non ceperat, homo adulescens pro legato. Is in lectica ferebatur. Ei obviam bubulcus de plebe Venusina venit, et per iocum, cum ignoraret qui ferretur, rogavit num mortuum ferrent. Ubi id audivit, lecticam iussit deponi, struppis, quibus lectica deligata erat, usque adeo verberari iussit, dum animam efflavit. (Ibidem.)

(4.) *In P. Popilium Laenatem*, v.c. 631 = 123.

Quae vos cupide per hosce annos adpetistis, atque voluistis, ea si temere repudiaritis, abesse non potest quin aut olim cupide adpetisse aut nunc temere repudiasse dicamini. (Gell. xi. 13.)

(5.) *De Rege Mithridate*, v.c. 631 = 123.

Nam vos, Quirites, si velitis sapientia atque virtute uti, etsi quaeritis, neminem nostrum invenietis sine pretio huc prodire. Omnes nos, qui verba facimus, aliquid petimus, neque ullius rei causa quisquam ad vos prodit, nisi ut aliquid auferat. Ego ipse, qui apud vos verba facio, uti vectigalia vestra augeatis, quo facilius vestra commoda et rempublicam administrare possitis, non gratis prodeo, verum peto a vobis non pecuniam, sed bonam existimationem atque honorem. Qui prodeunt dissuasuri, ne hanc legem accipiatis, petunt non honorem a vobis, verum a Nicomede pecuniam. Qui suadent, ut accipiatis, hi quoque petunt non a vobis bonam existimationem, verum a Mithridate rei familiaris suae pretium et praemium. Qui autem ex eodem loco atque ordine tacent, hi vel acerrimi sunt: nam ab omnibus pretium accipiunt et omnes fallunt. Vos, cum putatis, eos ab his rebus remotos esse, inpertitis bonam existimationem. Legationes autem a regibus, cum putant eos sua causa reticere, sumptus atque pecunias maximas praebent, item uti in terra Graecia, quo in tempore Graecus tragoedus gloriae sibi ducebat,

talentum magnum ob unam fabulam datum esse, homo eloquentissimus civitatis suae, Demades, ei respondisse dicitur: 'Mirum tibi videtur, si tu loquendo talentum quaesisti? Ego, ut tacerem, decem talenta a rege accepi.' Idem nunc isti pretia maxima ob tacendum accipiunt. (Gell. xi. 10.)

§ 7. L. LICINIVS CRASSVS.

v. c. 614–663 = a. c. 140–91.

Adversus L. Marcium Philippum, v. c. 663 = 91.

Deploravit enim casum atque orbitatem senatus, cuius ordinis a consule, qui quasi parens bonus aut tutor fidelis esse deberet, tamquam ab aliquo nefario praedone diriperetur patrimonium dignitatis, neque vero esse mirandum, si, cum suis consiliis rempublicam profligasset, consilium senatus a republica repudiaret. . . . An tu, cum omnem auctoritatem universi ordinis pro pignore putaris eamque in conspectu P. R. concideris, me his existimas pignoribus teneri? Non tibi illa sunt caedenda, si L. Crassum vis coercere: haec tibi est excidenda lingua, qua vel evulsa spiritu ipso libidinem tuam libertas mea refutabit. (Cic. de Orat. iii. 1.) . . . Ego te consulem putem, cum tu me non putes senatorem? (Quint. viii. 3, 89.)

Cap. IV.—Ex M. Terentii Varronis reliquiis.

Natus est Reate, v. c. 638 = a. c. 116; mortuus est prope nonagenarius v. c. 727 = a. c. 27.

Catalogus librorum Varronis, ex indicibus manuscriptis* et auctoribus quorum nomina subiciuntur. Videsis Ritschl, Rhein. Mus. vi. pp. 481–560, xii. pp. 147–154, Teuffel, Gesch. der Röm. Litteratur, § 153, 154.

*Pseudotragoediarum libri vi.
*Poematum libri x.
*Saturarum Menippearum cl.
*Saturarum iv.
De Rerum Natura (?). Quint. i. 4, 4, Lact. Div. Inst. ii. 12, 4.

*Orationum xxii. (Laudatio Porciae, Cic. ad Att. xiii. 48).
*Suasionum iii.
*Λογιστορικῶν lxxvi. (= Ἡρακλείδειον? Cic. ad Att. xvi. 11, 3.)

*Legationum iii.
*De Pompeio iii.
*De Sua Vita iii.

*Antiquitatum xli. (*codd.* xlv).; cp. Aug. de Civ. Dei. vi. 3, infra p. 363.
(Sc. rerum humanarum xxv. rerum divinarum xvi).
*Ἐπιτομὴ Antiquitatum ix.
*Annalium iii.
*De Vita Populi Romani iv.
De Gente Populi Romani iv.; Arnob. Adv. Nat. v. 8.
De Familiis Troianis libri plures; Serv. ad Aen. v. 704.
Aetia vel *αἴτια*, cp. Plut. *αἴτια* Ῥωμαϊκά.
*Rerum Urbanarum iii.
Tribuum liber; Varro, De L. L. v. 56.

*De Bibliothecis iii.
*De Proprietate Scriptorum iii.
De Poetis libri plures; Gell. i. 24, 3.
*De Poematis iii.
*De Lectionibus iii.
De Compositione Saturarum; Non. p. 67.

*De Originibus Scenicis iii.
*De Scenicis Actionibus iii.; (Charis. i. p. 74 P, librum *quintum* laudat.)
*De Acti[bu]s Scenicis iii.
*De Personis iii.
*De Descriptionibus iii.

*Quaestionum Plautinarum v.
De Comoediis Plautinis libri plures; Gell. iii. 9.

*Imaginum xv. sive Hebdomades; Gell. iii. 10, 17, etc. (= Πεπλογραφία? Cic. ad Att. xvi. 11, 3).
*Ἐπιτομὴ Imaginum libri iv.

*Disciplinarum ix.; cp. Plin. N. H. xxix. 4, 65.

*De Lingua Latina xxv.
*Ἐπιτομὴ libri ix.
De Antiquitate Literarum libri plures; Priscian. i. p. 540 P.

*De Origine Linguae Latinae iii.
Περὶ χαρακτήρων libri iii. vel plures; Charis. ii. p. 170 P.
*De Similitudine Verborum iii.=De Analogia.
De Utilitate Sermonis libri iv. vel plures; Charis. i. p. 98 P.
*De Sermone Latino v.; cp. Gell. xii. 6, 3, etc.
*De Forma Philosophiae iii.
De Philosophia (?); Aug. de Civ. Dei, xix. 1, sqq.
Rhetoricorum libri iii. vel plures; Priscian. ix. p. 872 P.
De Mensuris; Priscian. viii. p. 818 P.
De Ora Maritima libri (Serv. Aen. i. 108, etc.)=De Littoralibus (Solin. 11.)
*De Principiis Numerorum ix.
*De Valitudine tuenda.
*De Iure Civili xv.
De Gradibus libri; Serv. Aen. v. 410.
Epistulicae Quaestiones, viii. vel plures; Gell. xiv. 7, 3; 8, 2; Charis. i. p. 84 P.
Epistularum libri (?); Nonius, pp. 121, 141, 419, 473.
*Rerum Rusticarum iii.
De Aestuariis; Varro, L. L. ix. 26.
Ephemeris Rustica; cp. Prisc. vi. p. 711 P, etc., Bergk, Rh. Mus. N. F. i. p. 369.
Ephemeridis Navalis libri ad Pompeium; Non. p. 71, 19.
*Libri Singulares x.

Summa operum Varronis, qui in hoc indice continentur est ad quinquaginta novem. Summa librorum plus quam DXXX.

§ 1. *Excerpta ex Saturarum Menippearum fragmentis.*

(Numeri sunt editionis Riesianae.)

BIMARCVS. 1. Cum Quintipor Clodius tot comoedias sine ulla fecerit Musa ego unum libellum non 'edolem' ut ait Ennius.

5. Κατάχρησις est enim vera cum in candelabro pendet strigile.

24. Avi et atavi nostri cum alium ac cepe eorum verba olerent, tamen optume animati erant.

BIMARCVS. 1. Non. 448, 10, *edolare; Clodianus*, coni. Carrio, probant Ritschl. et Quicherat; *fecerimus*, codd.; *fecerit musa*, Iunius. 5. Non. 223, 4, *strigilem; strigilis*, codd.; *strigil*, Quich. 24. Non. 201, 1, *cepe*.

De Officio Mariti. Vitium uxoris aut tollendum aut ferendum est. Qui tollit vitium, uxorem commodiorem praestat; qui fert sese meliorem facit.

Dolivm avt Seria.

Mundús domus est maxíma homulli
quam quínque altitonae flámmigerae
Zonaé cingunt, per quám limbus
bis séx signis stellúmicantibus
aptús in obliquo aethére lunae
bigás acceptat . . . . .

Est modvs matvlae [περὶ μέθης].

1. Vino nihil iucundius quisquam bibit.
Hoc aegritudinem ad medendam invenerunt,
hoc hilaritatis dulce seminarium,
hoc continet coagulum convivia.

Eumenides. 14. Empedocles natos homines ex terra ait ut blitum.

15. Postremo nemo aegrotus quicquam somniat
tam infandum, quod non aliquis dicat philosophus.

16. Aiax tum credit ferro se caedere Ulixem
cum bacchans silvam incedit porcosque trucidat.

18. Quid dubitatis? utrum nunc sitis cercopitheci
An colubrae an beluae an † vel bucinu' flavus ahenus †?

19. *Nón tu* insanis quód tibi vino córpus corrumpís mero?

20. Denique qui sit avarus

De Off. Mar. Gell. i. 17, 4.

Dolium cet. Probus in Verg. Ecl. vi. 31, p. 18 K.; *fragminae* et *fragmine*, codd.; *flammigerae*, Riese.

Est Modus cet. Non. 28, 18, *coagulum*, emend. Junius et Scaliger, *invenerant*, Ellis.

Eumenides. 14. Non. 550, 13, *blitum*. 15. Non. 56, 16, *infans*. 16. Non. 271, 32, *caedere: silvam*, codd.; *suile*, Riese; *suillam caedit*, Ellis. 18. Non. 201, 21, *colubrae*. Ita Riese; *boluae an de alba cibus labus Athenis*, codd.; *volvae an de Albuci subus Athenis*, Rothe; *an de Albi mulabus et hinnis*, Roeper. 19. Non. 344, 1, *merum*. Ita Ellis; *tu non insanis quo*, codd.; aliter Riese. 20. Non. 392, 1, *stat: quis sanus est a.* codd.; *terra id*, codd. emend. Lachm.

sanus? cui si stet terrai conditus orbis,
furando tamen ac morbo stimulatus eodem
ex sese ipse aliquid quaerat cogatque peculi.

21. Nam ut arquatis et lutea quae non sunt et quae sunt lutea videntur, sic insanis sani et furiosi esse videntur insani.

26, 27. Hospes quid miras nummo curare Serapim?
Quid quasi non curet tanti item Aristoteles?
Aut ambos mira aut noli mirare deum me
de eodem . . .

28. I'n somnis venít iubet me cépam esse et sisýmbrium.

32. Vix vulgus confluit, non Furiarum, sed puerorum atque ancillarum, qui omnes me bilem atram agitare clamitantes opinionem mihi insaniae meae confirmant.

33. Commodum praeter Matris Deum aedem exaudio cymbalorum sonitum.

34. Cum illoc venio video Gallorum frequentiam in templo qui dum † messem hornam adlatam imponeret aedilis signo Cybelae †, deam gallantes vario recinebant strepitu.

35. Tibi typana non inanis sonitus Matri' Deum
tonimu', [canimú'] tibinos tibi nunc semiviri:
teretem comam volantem iactant tibi galli.

36. Phrygius per ossa cornus liquida canit anima.

45. Sed nos simul atque in summam speculam venimus,
videmus populum, Furiis instinctum tribus,
diversum ferri exterritum formidine.

46. . . . Tertia Poenarum

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21. Non. 35, 13, *arquatus*, 549, 18, *luteus*. 26, 27. Non. 480, 29, *miras, animo*, codd.; *nummo*, Turn., Scal.; *tantidem*, libb.; *tanti item*, Ribb.; *de me de eodem*, codd. emend. Riese; *idem eodem*, Roeper; probat Ellis. 28. Non. 201, 8, *cepa; et fessiminum*, codd.; *et vesci cuminum*, Iunius. 32. Non. 242, 21, cum 356, 15, cf. 153, 2. 33. Non. 529, 13, *en domum* omnes; *demum*, Popma; *en commodum*, Vahlen; *commodum*, Riese. 34. Non. 119, 1, *gallare*. Corruptum: *essena hora nam adlatam imponeret aidilis signostae et deam gallantes vario retinebant studio*, codd.; *messem hornam adlatam imponunt Attidis signo synodiam g. v. recinebant studio*, Lachm.: alii alia. 35. Non. 49, 19 et 22, et 328, 10. Ita Riese. *typana*, Herm. metri causa; *inani sonitu*, Scal., alii. 36. Non. 233, 12, et 334, 14; *frigios. frigus*, codd.; *Phrygios . . . cornui*, Riese. 45. Non. 434, 17, et 295, 23. 46. Non. 390, 9, *infamia*, codd.; *fluctuatim*, codd.; *fluitanti*, Herm.; *fluctanti*, Ribb.; *fluctatim*, Vahl.

Insania, stans nexa in vulgi
pectore fluctanti, intonsa coma,
sordida vestitu, ore severo.

48. Et ecce de improviso ad nos accedit cana Veritas Atticae philosophiae alumna.

49. Forenses decernunt ut existimatio nomen meum in sanorum numerum referat.

ΓΕΡΟΝΤΟΔΙΔΑΣΚΑΛΟΣ.

1. Quotiens priscus homo ac rusticus Romanus inter nundinum barbam radebat?

2. Novos maritus tacitulus taxim uxoris solvebat cingulum.

3. Sed simul manibus trahere lanam, nec non simul oculis observare ollam pultis ne aduratur.

4. Vehebatur cum uxore vehiculo semel aut bis anno, cum 'arceram si non vellet non sterneret'.

5. Manius Curius consul [in] capitolio cum dilectum haberet, nec citatus in tribu civis respondisset, vendidit tenebrionem.

6. Noctu cultro coquinari se traiecit: nondum enim inibi invecti erant cultelli empaestati e Bithynia.

NESCIS QVID VESPER SERVS VEHAT. (Gell. xiii. 11, 1 sqq.)

Lepidissimus liber est M. Varronis ex saturis Menippeis qui inscribitur, 'Nescis quid vesper serus vehat,' in quo disserit de apto convivarum numero, deque ipsius convivii habitu cultuque. 2. Dicit autem, convivarum numerum incipere oportere a Gratiarum numero et progredi ad Musarum, id est proficisci a tribus et consistere in novem, ut, cum paucissimi convivae sunt, non pauciores sint quam tres, cum plurimi, non plures quam novem. 3. 'Nam multos,' inquit, 'esse non convenit, quod turba plerumque est turbulenta et Romae quidem stat, sedet Athenis,

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48. Non. 86, 26, *canum*; 242, 26, *alumnos*. 49. Non. 285, 16, *decernere*; 381, 18, *referre*.

ΓΕΡΟΝΤΟ. 1. Non. 214, 24, *nundinae*; *Romanus* om. Quicherat. 2. Non. 47, 24, *cingillum*; *taciturus*, codd.; *tacitus*, Iun.; *tacitulus*, Merc. 3. Non. 543, 3, *aulla* vel *olla*. 4. Non. 55, 2, *arcera*. 5. Non. 18, 27, *nebulones et tenebriones*: *in* om. codd. 6. Non. 195, 15, *culter et cultellus*; *quoquinari*, codd.; *coquinario*, Iun.; *mihi inventi*, codd.; *empestati*, codd.; *importati*, Lips.; *empaestati*, Vahl, etc.; *eupetasti*, Quich.

nusquam autem cubat. Ipsum deinde convivium constat,' inquit, 'ex rebus quattuor et tum denique omnibus suis numeris absolutum est, si belli homunculi conlecti sunt, si electus locus, si tempus lectum, si apparatus non neglectus. Nec loquaces autem,' inquit, 'convivas nec mutos legere oportet, quia eloquentia in foro et apud subsellia, silentium vero non in convivio sed in cubiculo esse debet.' 4. Sermones igitur id temporis habendos censet non super rebus anxiis aut tortuosis sed iucundos atque invitabiles et cum quadam inlecebra et voluptate utiles, ex quibus ingenium nostrum venustius fiat et amoenius. 5. 'Quod profecto,' inquit, 'eveniet, si de id genus rebus ad communem vitae usum pertinentibus confabulemur, de quibus in foro atque in negotiis agendi non est otium. Dominum autem,' inquit, 'convivii esse oportet non tam lautum quam sine sordibus, et in convivio legi non omnia debent, sed ea potissimum, quae simul sint *βιωφελῆ* et delectent.' 6. Neque non de secundis quoque mensis, cuiusmodi esse eas oporteat, praecipit. His enim verbis utitur: 'Bellaria,' inquit, 'ea maxime sunt mellita, quae mellita non sunt; *πέμμασιν* enim cum *πέψει* societas infida.' 7. Quod Varro in loco hoc dixit bellaria, ne quis forte in ista voce haereat, significat id vocabulum omne mensae secundae genus. Nam quae *πέμματα* Graeci aut *τραγήματα* dixerunt, ea veteres nostri bellaria appellaverunt. Vina quoque dulciora est invenire in comoediis antiquioribus hoc nomine appellata dictaque esse ea Liberi bellaria.

PAPIA PAPAE [*περὶ ἐγκωμίων*].

1. Ante auris nodo ex crobyli subparvuli
intorti emittebantur sex cincinnuli;
oculis suppaetulis nigelli pupuli,
quantam hilaritatem significantes animuli!
2. quos calliblepharo naturali palpebrae
tinctae vallatos mobili saepto tenent.
3. Rictus parvissimus
ut refrenato risu roseo . . . .
4. Laculla in mento impressa Amoris digitulo
vestigio demonstrat mollitudinem.

PAPIA. 1 et 3. Non. 455, 32, *rictum*. 2. Non. 218, 26, *palpebrae*. 4. Non. 135, 20, *mollitudinem*.

5. Collum procerum, fictum levi marmore,
regillae tunicae definitur purpura.

§ 2. *Antiquitatum libri* XLI.

'Quid sit partitio Varronis librorum suorum, quos de Antiquitatibus rerum humanarum divinarumque composuit;' ex S. Augustino de Civitate Dei, vi. 3.

Quadriginta et unum libros scripsit Antiquitatum; hos in res humanas divinasque divisit, rebus humanis xxv divinis xvi tribuit: istam secutus in ea partitione rationem, ut rerum humanarum libros senos quattuor partibis daret. Intendit enim qui agant, ubi agant, quando agant, quid agant. In sex itaque primis de hominibus scripsit; in secundis sex de locis; sex tertios de temporibus; sex quartos eosdemque postremos de rebus absolvit. Quater autem seni xxiv fiunt: sed unum singularem, qui communiter prius de omnibus loqueretur, in capite posuit. In divinis identidem rebus eadem ab illo divisionis forma servata est, quantum attinet ad ea quae diis exhibenda sunt: exhibentur enim ab hominibus in locis et temporibus sacra. Haec quattuor, quae dixi, libris complexus est ternis: nam iii priores de hominibus scripsit, sequentes de locis, tertios de temporibus, quartos de sacris; etiam hic, qui exhibeant, ubi exhibeant, quando exhibeant, quid exhibeant, subtilissima distinctione commendans. Sed quia oportebat dicere, et maxime id expectabatur, quibus exhibeant, de ipsis quoque Diis tres conscripsit extremos, ut quinquies terni xv fierent. Sunt autem omnes, ut diximus, xvi: quia et istorum exordio unum singularem, qui prius de omnibus loqueretur, apposuit; quo absoluto consequenter ex illa quinquepartita distributione tres praecedentes, qui ad homines pertinent, ita subdivisit, ut primus sit de pontificibus, secundus de auguribus, tertius de xv viris sacrorum. Secundos tres ad loca pertinentes; ita ut in uno eorum de sacellis, altero de sacris aedibus diceret, tertio de locis religiosis. Tres porro qui istos sequuntur, et ad tempora pertinent id est ad dies festos; ita ut unum eorum faceret de feriis, alterum de ludis circensibus, de scenicis tertium. Quartorum trium ad sacra pertinentium uni dedit consecrationes, alteri sacra privata, ultimo publica. Hanc velut pompam obsequiorum (*lege* exequiarum) in tribus qui restant Dii ipsi sequuntur extremi, quibus iste universus cultus impensus est: in primo Dii certi, in secundo incerti, in tertio cunctorum novissimo Dii praecipui atque selecti.

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5. Non. 539, 10, *regilla vestis*.

1. Ex ANTIQVITATVM RERVM HVMANARVM lib. xxi.

Gell. xiii. 12, 'Verba ipsa . . . Varronis adscribsimus:'

In magistratu (inquit) habent alii vocationem alii prensionem, alii neutrum; vocationem, ut consules et ceteri qui habent imperium; prensionem, ut tribuni plebis et alii qui habent viatorem; neque vocationem neque prensionem, ut quaestores et ceteri qui neque lictorem habent neque viatorem. Qui vocationem habent, idem prendere, tenere, abducere possunt, et haec omnia sive adsunt quos vocant sive acciri iusserunt. Tribuni plebis vocationem habent nullam; neque minus multi imperiti, proinde atque si haberent, ea sunt usi: nam quidam non modo privatum, sed etiam consulem in rostra vocari iusserunt. Ego triumvirum, vocatus a Porcio, tribuno plebis, non ivi, auctoribus principibus, et vetus ius tenui. Item tribunus cum essem, vocari neminem iussi, nec vocatum a conlega parere invitum.

2. Ex ANTIQVITATVM RERVM DIVINARVM libris.

(*a.*) Serv. ad Aen. i. 382. Varro in secundo rerum divinarum dicit: ex quo de Troia est egressus Aeneas, Veneris eum per diem cotidie stellam vidisse, donec ad agrum Laurentem veniret, in quo eam non vidit ulterius, quare et terras cognovit esse fatales.

(*b.*) Serv. ad Georg. i. 269 (ex lib. viii de feriis). Sane sciendum secundum Varronem contra religionem esse si vel irrigentur agri, vel laventur animalia festis diebus: nymphae enim sine piaculo non possunt moveri.

(*c.*) Aug. de Civ. Dei, vi. 9, 5 (ex libro xiv de deis certis).

Denique et ipse Varro commemorare et enumerare deos coepit a conceptione hominis, quorum numerum exorsus est a Iano; eamque seriem perduxit usque ad decrepiti hominis mortem et deos ad ipsum hominem pertinentes clausit ad Naeniam deam, quae in funeribus senum cantatur: deinde coepit deos alios ostendere, qui pertinerent, non ad ipsum hominem, sed ad ea quae sunt hominis, sicuti est victus atque vestitus, et quaecunque alii huic vitae sunt necessaria, ostendens in omnibus quod sit cuiusque munus, et propter quid cuique debeat supplicari.

(*d.*) Aug. ibid. iv. 21. Quid opus erat parturientibus invocare Lucinam, cum si adesset Felicitas non solum bene parerent sed etiam bonos? Quid necesse erat Opideae commendare nascentes, deo Vaticano vagientes, deae Cuninae iacentes, deae Ruminae

sugentes, deo Statilino stantes, deae Adeonae adeuntes, Abeonae abeuntes; deae Menti, ut bonam haberent mentem; deo Volumno et deae Volumnae, ut bona vellent; diis nuptialibus ut bene coniugarentur; diis agrestibus ut fructus uberrimos caperent, et maxime ipsi divae Fructiseae; Marti et Bellonae, ut bene belligerarent; deae Victoriae, ut vincerent; deo Honori, ut honorarentur; deae Pecuniae, ut pecuniosi essent; deo Aesculano et filio eius Argentino ut haberent aeream argenteamque pecuniam? Nam ideo patrem Argentini Aesculanum posuerunt, quia prius aerea pecunia in usu esse coepit, post argentea.

(*e*.) Aug. vii. 17 (ex lib. xvi de deis selectis).

'De diis,' inquit, 'populi Romani publicis, quibus aedes dedicaverunt, eosque pluribus signis ornatos notaverunt, in hoc libro scribam; sed ut Xenophanes Colophonius scribit, quid putem, non quid contendam, ponam. Hominis est enim haec opinari, Dei scire.'

(*f*.) Ib. 2. Hos certe deos selectos Varro unius libri contextione commendat, Ianum, Iovem, Saturnum, Genium, Mercurium, Apollinem, Martem, Vulcanum, Neptunum, Solem, Orcum, Liberum patrem, Tellurem, Cererem, Iunonem, Lunam, Dianam, Minervam, Venerem, Vestam: in quibus omnibus ferme xx, xii mares, viii sunt feminae.

(*g*.) Ib. 23. Tres esse affirmat animae gradus in omni universaque natura: unum, qui omnes partes corporis quae vivunt transit, et non habet sensum, sed tantum ad vivendum valetudinem: hanc vim in nostro corpore permanare dicit in ossa, ungues, capillos; sicut in mundo arbores sine sensu aluntur et crescunt, et modo quodam suo vivunt. Secundum gradum animae, in quo sensus est: hanc vim pervenire in oculos, aures, nares, os, tactum. Tertium gradum esse animae summum, quod vocatur animus, in quo intelligentia praeeminet; hoc praeter hominem omnes carere mortales: hanc partem animae mundi dicit Deum, in nobis autem Genium vocari. Esse autem in mundo lapides ac terram, quam videmus, quo non permanat sensus, ut ossa, ut ungues Dei: solem vero, lunam, stellas quae sentimus, quibusque ipse sentit, sensus esse eius. Aethera porro animum eius: ex cuius vi, quae pervenit in astra, ipsam quoque facere deos; et per eam quod in terram permanat, deam Tellurem; quod autem inde permanat, in mare atque oceanum, deum esse Neptunum.

§ 3. *Ex libris de Lingua Latina.*

[Opus Varronis constabat libris xxv, quorum sex solum extant, a quinto scilicet ad decimum, et hi quidem non integri. Primus erat fortasse de origine linguae Latinae: reliqui in tres partes divisi, Etymologiam, Declinationem, Syntaxin.

Etymologia continetur sex libris a secundo ad septimum. Secundus erat de iis quae contra artem Etymologicam dicuntur, tertius quae pro ea, quartus quae de ea. Quintus est de vocabulis locorum et quae in his sunt, sextus de vocabulis temporum, septimus de verbis quae a poetis sunt posita.

Ab octavo incipit pars operis secunda, sc. de Declinationibus. Octavus continet quae contra similitudinem declinationum (ἀναλογίαν) dicuntur; nonus quae pro analogia; decimus est de forma doctrinae de declinationibus. Undecimus ad decimum tertium erant de declinationibus generatim.

A decimo quarto incipiebat pars operis tertia, ut verba inter se coniunguntur sive Syntaxis, cuius vix fragmenta minima supersunt.]

Ex Lib. VI, qui est de vocabulis temporum et earum rerum, quae dicuntur cum tempore aliquo.

86. Nunc primum ponam de Censoriis tabulis:—

'Ubi noctu in templum census*e* auspicaverit atque de caelo nuntium erit, praeconi sic imperato ut viros vocet:

'Quod bonum fortunatum felixque salutareque siet populo Romano Quiritium, reique publicae populi Romani Quiritium, mihique collegaeque meo, fidei magistratuique nostro! omnes Quirites, pedites, armatos privatosque, *i*uratores (*ita Madv.;* curatores *vulgo*) omnium tribuum, si quis pro se sive pro altero rationem dari volet, voca inlicium huc ad me.'

87. Praeco in templo primum vocat; postea de moeris item vocat. Ubi l*u*cet, Censor, scribae, magistratus murrha unguentisque unguentur. Ubi Praetores, Tribunique plebei quique in consilium vocati sunt, venerunt: Censores inter se sortiuntur, uter lustrum faciat. Ubi templum factum est, post tum conventionem habet qui lustrum conditurus est.'

88. In commentariis Consularibus scriptum sic inveni:—

Qui exercitum imperaturus erit, accenso dicit hoc: 'Calpurni, voca inlicium omnes Quirites huc ad me.' Accensus dicit sic: 'Omnes Quirites, inlicium visite huc ad Iudices.' 'C. Calpurni,' Cos. dicit, 'voca ad conventionem omnes Quirites huc ad me.' Accensus dicit sic: 'Omnes Quirites, ite ad conventionem huc ad Iudices.' Dein consul eloquitur ad exercitum: 'Impero qua convenit ad comitia centuriata.'

89. Quare hic accenso, illic praeconi dicit haec, est causa:

in aliquot rebus item ut praeco, accensus acciebat, a quo accensus quoque dictus. Accensum solitum ciere, Boeotia ostendit, quam comoediam A*qui*lii (alii *codd.*) esse dicunt, hoc versu :

'Ubi primum accensus clamarat meridiem.'

Hoc idem Cosconius in actionibus scribit, praetorem accensum solitum esse iubere, ubi ei videbatur horam esse tertiam, inclamare horam tertiam esse, itemque meridiem et horam nonam.

90. Circum moeros mitti solitus quomodo inliceret populum in eum *locum*, unde vocare posset ad contionem, non solum ad consules et censores, sed etiam quaestores, commentarium indicat vetus *a*nquisitionis M. Sergii Mani filii Quaestoris, qui capitis accusavit *T*rogum ; in qua sic est :—

91. 'Auspicio orando sede in templo auspicii, dum aut ad Praetorem aut ad Consulem mittas auspicium petitum.

'Comme*a*t tum praeco, re*um* vocet ad te, et eum de moeris vocet praeco : id imperare oportet. (Commeatum praetores, *codd.*)

'Cornicinem ad privati ianuam et in Arcem mittas, ubi canat.

'Collegam rog*e*s, ut comitia edicat de Rostris, et argentarii tabernas occludant.

'Patres censeant exquiras, et adesse iubeas. Magistratus censea*n*t ex*qui*ra*s*, Consules, Praetores Tribunosque plebis collegasque *t*uos, et in templo adesse iubeas omnes, ac cum mittas, contionem advoces. (Censeat ex ara, *altero loco ;* vos, *et* homines, *codd.*)

92. In eodem commentario anquisitionis ad extremum scriptum caput edicti hoc est :—

'Item quod attingat qui de Censoribus classicum ad comitia centuriata redemptum habent, uti curent eo die quo die comitia erunt, in Arce classicu*m* canat*ur* (*ita Madv.;* classicus canat tum *vulgo*) circumque moeros, et ante privati huiusce T. Quinti Trogi scelerosi hostium canat, et ut in Campo cum primo luci assit.

93. Et inter id, quom circum muros mittitur et cum contio advocatur, interesse tempus apparet ex iis quae interea fieri scriptum est. Sed ad comitia tum vocatur populus ideo quod alia de causa hic magistratus non potest exercitum urbanum convocare ; censor, consul, dictator, interrex potest, quod censor exercitum centuriato constituit quinquennalem, quom lustrare et in urbem ad vexillum ducere debet ; dictator et consul in singulos annos, quod hic exercitui imperare potest quo eat : id quod

propter centuriata comitia imperare solent. 94. Quare non est dubium, quin hoc inlicium sit, quom circum muros itur, ut populus inliciatur ad magistratus conspectum, qui *viros* (*Marquardt*; ros *codd.*; Quirites *Müller*) vocare potest, in eum locum, unde vox ad contionem vocantis exaudiri possit. Quare una origine inlici et inlicis, quod in Choro Proserpinae est, et pellexit quod in Hermiona, quom ait Pacuvius:

'regni alieni cupiditas pellexit.'

Sic Elicii Iovis ara in Aventino ab eliciendo. 95. Hoc nunc aliter fit atque olim, quod augur Consuli adest tum cum exercitus imperatur, ac praeit quid eum dicere oporteat. Consul augur*i* imperare solet, ut is *in*licium vocet, non accenso aut praeconi; id inceptum credo, cum non adesset accensus et nihil intererat quoi imperaret; et dicis causa fiebant quaedam, neque item facta, neque item dicta semper. Hoc ipsum 'inl*eg*ium *inlexit*' scriptum inveni in M. Iunii commentariis, quod tamen ibi *i*dem est quod 'inlici*um* inlexit;' qu*od et I* cum E et C cum G magnam habent communitatem. (Inlicium scriptum; ibidem; inlicite; quae cum E, *codd.*)

Ex Lib. VII, qui est de poeticis verbis.

7. Quaqua in*tuitus* erat oculi, a tuendo primum templum dictum. Quocirca caelum, qua attuimur, dictum templum. Sic:

'Contremuit templum magnum Iovis altitonantis,'

id est, ut ait Naevius:

'Hemisphaerium ubi conca*vo*
C*a*erulo septum stat.'

Eius templi partes quattuor dicuntur, sinistra ab oriente, dextra ab occasu, antica ad meridiem, postica ad septentrionem. 8. In terris dictum templum locus augurii aut auspicii causa quibusdam conceptis verbis finitus. Concipitur verbis non isdem usquequaque. In Arce sic:—

'Tem*pla* tescaque me ita sunto quoad ego *c*aste lingua nuncupavero.

'*O*lla *vet*er arbos, quirquir est, quam me sentio dixisse, templum te*sc*umque f*ini*to in sinistrum.

'Olla *vet*er arbos, quirquir est, qu*am* me sentio dixisse, templum te*sc*umque f*ini*to *in* dextrum.

'Inter ea conregione, conspicione, cortumione, utique ea
rectissime sensi.'

9. In hoc templo faciundo arbores constitui fines apparet, et intra eas regiones, qua oculi conspiciant, id est tueamur, a quo templum dictum et contemplare, ut apud Ennium in Medea:

'Contempla et templum Cereris ad laevam aspice;'

contempla et conspicare *idem* esse apparet; ideo dicere, *tum cum* templum facit, augurem: conspicione, qua oculorum conspectum finiat. Quod, cum dicunt conspicionem, addunt cortumionem, dicitur a cordis visu; cor enim cortumionis origo.

Ex Lib. IX, qui est pro analogia declinationum.

1. . . . nesciunt docere quam discere, quae ignorant. In quo fuit Crates nobilis grammaticus, qui fretus Chrysippo homine acutissimo, qui reliquit sex libros περὶ ἀνωμαλίας, heis libris contra ἀναλογίαν atque Aristarchum est nixus, sed ita ut scripta indicant eius, ut neutrius videatur pervidisse voluntatem; quod et Chrysippus de inaequabilitate cum scribit sermonis, propositum habet ostendere similes res dissimilibus verbis et dissimil*es* simil*ibus* esse vocabulis notatas (id quod est verum); et quod Aristarchus, de aequabilitate cum scribit et de verborum similitudine, quorundam inclinationes sequi iubet, quoad patiatur consuetudo. 2. Sed ii qui in loquendo partim sequi iubent nos consuetudinem, partim rationem, non tam discrepant, quod consuetudo et analogia coniunctiores sunt inter se, quam iei credunt. 3. Quod est nata ex quadam consuetudine analogia, et ex hac *consuetudine item anomalia; itaque* (*supp. M.*) consuetudo ex dissimilibus et similibus verborum quod declinationibus constat: neque anomalia neque analogia est repudianda, nisi si non est homo ex anima, quod est homo ex corpore et anima. 4. Sed ea, quae dicam, quo facilius perviderí possint, prius de trinis copulis discernendum (nam confusim ex utraque parte pleraque dicuntur, quorum alia ad aliam referri debent summam): primum de copulis naturae et *u*suis; haec enim duo sunt quae e*x*igunt diversa, quod aliud est dicere verborum analogias, aliud dicere uti oportere analogiis; secundum de copulis multitudinis ac finis, utrum omnium verborum dicatur esse analogia*rum* usus, an maioris partis; tertium de copulis personarum, qui eis debent uti, quae

sunt plures. 5. Alia enim populi universi, alia singulorum, et de *ie*is non eadem oratoris et poëtae, quod eorum non idem ius. Itaque populus universus debet in omnibus verbis uti analogia, et si perperam est consuetus, corrigere se ipsum, quom orator non debeat in omnibus uti, quod sine offensione non potest facere, cum poëtae transilire lineas impune possint. 6. Populus enim in sua potestate, singuli in illius; itaque ut suam quisque consuetudinem, si mala est, corrigere debet, sic populus suam. Ego populi consuetudinis non sum ut dominus, at ille meae est. Ut rationi obtemperare debet gubernator, gubernatori unusquisque in navi, sic populus rationi, nos singuli populo. Quare ad quamcunque summam in dicendo referam, si animadvertes, intelliges, utrum dicatur analogia esse, an uti *oportere ea; et quom poscitur, ut usus ad id quod* (*supp. M.*) oporteret redigeretur, dici id in populum aliter, ac (inde omnibus dici *seq. in codd.*) in eum qui sit in populo.

7. Nunc iam primum dicam pro universa analogia, cur non modo videatur esse reprehendenda, sed etiam quor in usu quodammodo sequenda. Secundo de singulis criminibus, quibus rebus possint, quae dicta sunt contra, solvi, dicam ita, ut generatim comprehendam et ea quae in priore libro sunt dicta, et ea quae possunt dici, atque illic praeterii.

8. Primum quod aiunt, qui bene loqui velit, consuetudinem sequi oportere, non rationem similitudinum, quod alterum si neglegat, sine offensione facere non possit; alterum si sequatur, quod sine reprehensione non sit futurum: errant; quod qui in loquendo consuetudinem, qua oportet uti, sequitur, *eam sequitur* (*supp. M.*) non sine (ea *seq. in codd.*) ratione. 9. Nam vocabula ac verba, quae declinamus similiter *ac* in consuetudine esse videmus, et ad ea*m* conferimus, et si quid est erratum, non sine ea corrigimus. Nam ut, qui triclinium constrarunt si quem lectum de tribus unum imparem posuerunt, aut de paribus nimium aut parum produxerunt, una corrigimus et ad consuetudinem communem et ad aliorum tricliniorum analogias: sic si quis in oratione in pronuntiando ita declinat verba ut dicat disparia, quod peccat redigere debemus ad ceterorum similium verborum rationem.

10. Cum duo peccati genera sint declinationum, unum quod in consuetudinem perperam receptum est, alterum quod nondum est, et perperam dicatur: unum dant non oportere dici, quod

non sit in consuetudine, alterum non conceditur quin ita dicatur; ut si*t* similiter, quod id faciant, ac, si quis puerorum per delicias pedes male ponere atque imitari vatias coeperit, hos corrigi oportere si concedat; contra si quis in consuetudine ambulandi iam factus sit vatia aut compernis, si eum corrigi non concedat. 11. Non sequitur ut stulte faciant, qui pueris in geniculis alligent serperastra, ut eorum depravata corrigant crura? Cum vituperandus non sit medicus, qui e longinqua mala consuetudine aegrum in meliorem traducat: quare reprehendendus sit, qui orationem minus valentem propter malam consuetudinem traducit in meliorem? 12. Pictores Apelles, Protogenes, sic alii artifices egregii non reprehendundi, quod consuetudinem Miconos, Dior*is*, Arimn*ae* †, etiam superiorum non sunt secuti; Aristophanes improbandus, qui potius in quibusdam veritatem quam consuetudinem secutus? 13. Quod si viri sapientissimi, et in re militari et in aliis rebus multa contra veterem consuetudinem cum essent usi, laudati: despiciendi sunt qui potiorem dicunt oportere esse consuetudinem ratione. 14. An quom quis perperam consuerit quid facere in civitate, non modo patiemur, sed etiam poena afficiemus: idem, si quis perperam consuerit dicere verbum, non corrigemus, cum id fiat sine poena? 15. Et hi, qui pueros in ludum mittunt, ut discant quae nesciunt verba, quemadmodum scribant, idem barbatos, qui ignorabunt verba, quemadmodum oporteat dici, non docebimus, ut sciant qua ratione conveniat dici?

16. Sed ut nutrix pueros a lacte non subito avellit a consuetudine, cum a cibo pristino in meliorem traducit; sic maioris in loquendo a minus commodis verbis ad ea quae sunt cum ratione, modice traducere oportet. Cum sint *in* consuetudine contra rationem alia verba ita ut ea facile tolli possint, alia ut videantur esse fixa: quae leviter haerent, ac sine offensione commutari possint, s*tat*im ad rationem corrigi oportet; quae t*a*m*en* sunt ita, ut in praesentia corrigere nequeas, quin ita dicas, his oportet, si possis, non uti: sic enim obsolescent, ac postea iam obliterata facilius corrigi poterunt. 17. Quas novas verbi declinationes ratione introductas respuet forum, his boni poëtae, maxime scaenici, consuetudine subigere aureis populi debent, quod poëtae multum possunt in hoc; propter eos quaedam verba in declinatione melius, quaedam deterius dicuntur. Consuetudo loquendi

est in motu; itaque solet fieri ex meliore deterior, *ex deteriore* (*add. M.*) melior. Ac verba perperam dicta apud antiquos aliquos propter poëtas non modo nunc dicuntur recte, sed etiam quae ratione dicta sunt tum, nu*nc* perperam dicuntur.

18. Quare qui ad consuetudinem nos vocant, si ad rectam, sequemur; in eo quoque enim est analogia: si ad eam invitant quae est depravata, nihilo magis sequemur *quam* (*add. M.*), nisi cum erit necesse, sequar in ceteris rebus mala exempla; nam ea quoque, cum aliqua vis urget, inviti sequemur. Neque enim Lysippus artificum priorum potius est vitiosa secutus quam artem. *Si* (*add. M.*) sic populus facere debet: etiam singuli, sine offensione quod fiat populi.

19. Qui amissa *non* (*om. codd.*) modo quaerant, sed etiam quod indicium dent: idem, ex sermone si quid deperiit, non modo nihil impendunt ut requirant, sed etiam contra indices repugnant, ne restituatur verbum. 20. Quod novom et ratione introductum, quo minus ut recipiamus, vitare non debemus. Nam ad usum in vestimentis, aedificiis, supellectili, novitati non impedit vetus consuetudo. Quem enim amor assuetudinis potius in pannis possessorem retinet, quam ad nova vestimenta traducit? An non saepe veteres leges abrogatae novis cedunt? 21. Nonne inusitatis formis vasorum recentibus ex Graecia allatis obliteratae antiquae consuetudinis sinorum et capularum species: his formis vocabulorum *ut* contaminati*s* uti nollent, quas docuerit ratio praeter consuetudinem veterem? Et tantum inter duos sensus interesse volunt, ut oculis semper aliquas figuras supellectilis novas conquirant, contra auris expertis velint esse? 22. Quotus quisque iam servos habet priscis nominibus? quae mulier suum instrumentum vestis atque auri veteribus vocabulis appellat? Sed inductis non tam irascendum, quam huiusce pravitatis patronis.

23. Si enim usquequaque no*n* esset analogia, tum sequebatur, ut in verbis quoque non esset; non, cum esset usquequaque ut est, non esse in verbis. Quae enim est pars mundi, quae non innumerabiles habeat analogias? Caelum, an mare, an terra, an aër, et cetera quae sunt in his? 24. Nonne in caelo, ut ab aequinoctiali circulo ad solstitialem et hinc ad septentrionalem divisum: sic contra paribus partibus idem a bruma versum contraria parte? Non, quantum pol*us* superior abest a septen-

trionali *circulo et* is ad solstitium, tantundem abest inferior ab eo quem ἀνταρκτικὸν vocant astrologi, et is ad brumalem? Non, quemadmodum quodque signum exortum hoc anno, quotquotannis eodem modo exoritur? 25. Num aliter sol a bruma venit ad aequinoctium, ac contra cum ab solstitio venit ad aequinoctialem circulum, et inde ad brumam? Nonne luna, ut a sole discedit ad aquilonem et inde redit in eandem viam: sic inde fertur ad austrum et regreditur inde? Sed quid plura de astris, ubi difficilius reperitur quid sit aut fiat in motibus dissimiliter? 26. At in mari, credo, motus non habent similitudines geminas; qui in xxiv horis lunaribus quotidie quater se mutant; ac cum sex horis aestus creverunt, totidem decreverunt, rursus idem; itemque ab his. An hanc analogiam ad diem servant, ad mensem non item, alios motus cum habeant, sic item alios inter se convenientes? de quibus in libro, quem de aestuariis feci, scripsi. 27. Non in terra in sationibus servata analogia? nec quoiusmodi in praeterito tempore fructuum genera reddidit, similia in praesenti reddit? et quoiusmodi tritico iacto reddidit segetes, sic ordeo sato proportione reddidit parilis? Non ut Europa habet flumina, lacus, montis, campos, sic habet Asia? 28. Non in volucribus generatim servatur analogia? non ex aquilis aquilae, atque ut ex turdis qui procreantur, turdi, sic ex reliquis sui quoiusque generis? An aliter hoc fit, quam in aëre, in aqua? non hic conchae inter se generatim innumerabili numero similes? non pisces? an e murena fit lupus aut merula? Non bos ad bovem collatus similis? et qui ex his progenerantur, inter se vituli? etiam ubi dissimilis foetus ut ex equa *et asino* (*om. codd.*) mulus, tamen ibi analogia; quod ex quocunque asino et equa nascitur, id est mulus aut mula, ut ex equo et asina hinnulei. 29. Non sic ex viro et muliere omnis similis partus, pueri et puellae? non horum ita inter se omnia similia membra, ut separatim in suo utroque genere similitudine sint paria? Non, omnis cum sint ex anima et corpore, partes quaeque horum proportione similes? 30. Quid ergo cum omnes animae hominum sint divisae in octonas parteis, eae inter se non proportione similes? quinque quibus sentimus, sexta qua cogitamus, septuma qua progeneramus, octava qua voces mittimus? Igitur, quoniam loquimur voce orationem, hanc quoque necesse est natura habere analogias; itaque habet.

§ 4. *Ex Epistulicis Quaestionibus.*

Gell. xiv. 7. Gnaeo Pompeio consulatus primus cum M. Crasso designatus est. Eum magistratum Pompeius cum initurus foret, quoniam per militiae tempora senatus habendi consulendique, rerum expers urbanarum fuit, M. Varronem, familiarem suum, rogavit, uti commentarium faceret 'isagogicum,' sic enim Varro ipse appellat, ex quo disceret, quid facere dicereque deberet, cum senatum consuleret. Eum librum commentarium, quem super ea re Pompeio fecerat, perisse Varro ait in literis, quas ad Oppianum dedit, quae sunt in libro epistulicarum quaestionum quarto, in quibus literis, quoniam quae ante scripserat non comparebant, docet rursum multa ad eam rem ducentia.

Primum ibi ponit, qui fuerint, per quos more maiorum senatus haberi soleret eosque nominat: 'dictatorem, consules, praetores, tribunos plebi, interregem, praefectum urbi,' neque alii, praeter hos, ius fuisse dixit facere senatusconsultum, quotiensque usus venisset, ut omnes isti magistratus eodem tempore Romae essent, tum quo supra ordine scripti essent, qui eorum prior aliis esset, ei potissimum senatus consulendi ius fuisse ait, deinde extraordinario iure tribunos quoque militares, qui pro consulibus fuissent, item decemviros, quibus imperium consulare tum esset, item triumviros reipublicae reconstituendae causa creatos ius consulendi senatum habuisse.

Postea scribsit de intercessionibus dixitque intercedendi, ne senatusconsultum fieret, ius fuisse iis solis, qui eadem potestate, qua ii, qui senatusconsultum facere vellent, maioreve essent.

Tum adscripsit de locis, in quibus senatusconsultum fieri iure posset, docuitque confirmavitque, nisi in loco per augurem constituto, quod 'templum' appellaretur, senatusconsultum factum esset, iustum id non fuisse. Propterea et in curia Hostilia et in Pompeia et post in Iulia, cum profana ea loca fuissent, templa esse per augures constituta, ut in iis senatusconsulta more maiorum iusta fieri possent. Inter quae id quoque scriptum reliquit, non omnes aedes sacras templa esse ac ne aedem quidem Vestae templum esse.

Post haec deinceps dicit, senatusconsultum ante exortum aut post occasum solem factum ratum non fuisse, opus etiam censorium fecisse existimatos, per quos eo tempore senatus consultum factum esset.

Docet deinde inibi multa, quibus diebus habere senatum ius non sit, immolareque hostiam prius auspicarique debere, qui senatum habiturus esset, de rebusque divinis prius quam humanis ad senatum referendum esse, tum porro referri oportere aut infinite de republica, aut de singulis rebus finite; senatusque consultum fieri duobus modis: aut per discessionem, si consentiretur, aut, si res dubia esset, per singulorum sententias exquisitas; singulos autem debere consuli gradatim incipique a consulari gradu. Ex quo gradu semper quidem antea primum rogari solitum, qui princeps in senatum lectus esset; tum autem, cum haec scriberet, novum morem institutum refert per ambitionem gratiamque, ut is primus rogaretur, quem rogare vellet, qui haberet senatum, dum is tamen ex gradu consulari esset. Praeter haec de pignore quoque capiendo disserit deque multa dicenda senatori, qui, cum in senatum venire deberet, non adesset.

§ 5. *Ex libris de Re Rustica.*

Ex Lib. I, qui est de Agricultura.

I. 1. Otium si essem consecutus, Fundania, commodius tibi haec scriberem, quae nunc, ut potero, exponam, cogitans esse properandum, quod (ut dicitur) si est homo bulla, eo magis senex. Annus enim octogesimus admonet me, ut sarcinas colligam ante quam proficiscar e vita. 2. Quare, quoniam emisti fundum quem bene colendo, fructuosum cum facere velis, meque ut id mihi habeam curare roges, experiar. Et non solum, ut ipse quoad vivam, quid fieri oporteat ut te moneam, sed etiam post mortem. 3. Neque patiar Sibyllam non solum cecinisse, quae, dum viveret, prodessent hominibus, sed etiam quae cum perisset ipsa, et id etiam ignotissimis quoque hominibus; ad cuius libros tot annis post publice solemus redire (ire, scire *Madvig*), cum desideramus quid faciendum sit nobis ex aliquo portento: me, ne dum vivo quidem, necessariis meis quod prosit facere. 4. Quo circa scribam tibi tres libros indices, ad quos revertare, si qua in re quaeres, quemadmodum quidque te in colendo oporteat facere. Et quoniam [ut aiunt] Dei facientes adiuvant, prius invocabo eos; nec, ut Homerus et Ennius, Musas, sed XII deos consentis: neque tamen eos urbanos, quorum

imagines ad forum auratae stant, sex mares, et feminae totidem, sed illos XII deos, qui maxime agricolarum duces sunt. 5. Primum, qui omnes fructos agriculturae caelo et terra continent, Iovem, et Tellurem. Itaque quod ii parentes magni dicuntur, Iuppiter, pater appellatur, Tellus, terra mater. Secundo Solem et Lunam, quorum tempora observantur, cum quaedam seruntur et conduntur. Tertio Cererem et Liberum, quod horum fructus maxime necessarii ad victum. Ab his enim cibus et potio venit fundo. 6. Quarto Robigum ac Floram, quibus propitiis, neque robigo frumenta atque arbores corrumpit, neque non tempestive florent. Itaque publicae Robigo feriae robigalia; Florae ludi floralia instituti. Item adveneror Minervam et Venerem, quarum unius procuratio oliveti alterius hortorum; quo nomine rustica vinalia instituta. Nec non etiam precor Lympham, ac Bonum Eventum, quoniam sine aqua omnis arida ac misera agricultura, sine successu ac bono eventu, frustratio est, non cultura. 7. Iis igitur deis ad venerationem advocatis, ego referam sermones eos, quos de agricultura habuimus nuper, ex quibus quid te facere oporteat animadvertere poteris, in queis quae non inerunt et quaeres, indicabo a quibus scriptoribus reperias et Graecis, et nostris. Qui Graece scripserunt dispersim, alius de alia re, sunt plus quinquaginta. 8. Hi sunt, quos tu habere in consilio poteris, cum quid consulere voles, Hieron Siculus et Attalus Philometor: de philosophis, Democritus physicus, Xenophon Socraticus, Aristoteles et Theophrastus peripatetici, Archytas pythagoreus . . . .

11. Quo brevius de ea re conor tribus libris exponere, uno de agricultura, altero de re pecuaria, tertio de villaticis pastionibus; hoc libro circumcisis rebus, quae non arbitror pertinere ad agriculturam. Itaque prius ostendam, quae secerni oporteat ab ea, tum de his rebus dicam, sequens naturales divisiones. Ea erunt ex radicibus trinis, et quae ipse in meis fundis colendo animadverti, et quae legi, et quae a peritis audii.

XVII. 1. De Fundi IIII partibus, quae cum solo haerent, et alteris IIII, quae extra fundum sunt, et ad culturam pertinent, dixi. Nunc dicam agri quibus rebus colantur. Quas res alii dividunt in duas partes, in homines et adminicula hominum, sine quibus rebus colere non possunt. Alii in tres partes instrumenti genus vocale, et semivocale, et mutum. Vocale, in quo sunt servi.

Semivocale, in quo sunt boves. Mutum in quo sunt plaustra. 2. Omnes agri coluntur hominibus servis aut liberis aut utrisque. Liberis, aut cum ipsi colunt, ut plerique paupereuli cum sua progenie: aut mercenariis, cum conducticiis liberorum operis res maiores, ut vindemias, ac faenisicia administrant: iique quos obaerarios nostri vocitarunt, et etiam nunc sunt in Asia, atque Aegypto, et in Illyrico complures. De quibus universis hoc dico: Gravia loca utilius esse mercenariis colere, quam servis, et in salubribus quoque locis opera rustica maiora, ut sunt in condendis fructibus vindemiae aut messis. 3. De his cuiusmodi esse oporteat, Cassius scribit haec: Operarios parandos esse, qui laborem ferre possint, ne minores annorum XXII, et ad agriculturam dociles. Eam coniecturam fieri posse ex aliarum rerum imperatis, et uno eorum e noviciis requisito, ad priorem dominum quid factitarent. Mancipia esse oportere neque formidolosa, neque animosa. 4. Qui praesint esse oportere, qui literis et aliqua sint humanitate imbuti, frugi, aetate maiore, quam operarios, quos dixi. Facilius enim his, quam minore natu sunt dicto audientes. Praeterea potissimum eos praeesse oportet, qui periti sint rerum rusticarum. Non solum enim debere imperare, sed etiam facere, ut facientem imitentur, et ut animadvertant eum cum causa sibi praeesse, quod scientia praestet et usu. 5. Neque illi concedendum ita imperare, ut verberibus coerceat potius quam verbis, si modo idem efficere possis. Neque eiusdem nationis plures parandos esse. Ex eo enim potissimum solere offensiones domesticas fieri. Praefectos alacriores faciundum praemiis: dandaque opera, ut habeant peculium, et coniunctas conservas, e quibus habeant filios. Eo enim fiunt firmiores, ac coniunctiores fundo. Itaque propter has cognationes Epiroticae familiae sunt illustriores ac cariores. 6. Ad in*citan*dum volu*n*tatem praefectorum honore aliquo habendo (*Keil*, p. 41), et de operariis, qui praestabunt alios, communicandum quoque cum iis, quae faciunda sunt opera. Quod ita cum fit, minus se putant despici, atque aliquo numero haberi a domino. 7. Studiosiores ad opus fieri liberalius tractando, aut cibariis, aut vestitu largiore, aut remissione operis, concessioneve, ut peculiare aliquid in fundo pascere liceat, aut huiuscemodi rerum aliis, ut quibus quid gravius sit imperatum, aut animadversum, qui consolando eorum restituat voluntatem, ac benevolentiam in dominum.

Ex Lib. II, qui est de re pecuaria.

IX. 1. Relinquitur, inquit Atticus, de quadrupedibus, quod ad canes attinet, maxime ad nos, qui pecus pascimus lanare. Canis enim ita custos pecoris, ut eius, quod eo comite indiget ad se defendendum. In quo genere sunt maxime oves, deinde caprae. Has enim lupus captare solet, cui opponimus canes defensores. In suillo pecore tamen sunt, quae se vindicent, sues, verres, maiales, scrofae. Prope enim haec apris, qui in silvis saepe dentibus canes occiderunt. 2. Quid dicam de pecore maiore? cum sciam mulorum gregem cum pasceretur, eoque venisset lupus, ultro mulos circumfluxisse, et ungulis caedendo eum occidisse? et tauros solere diversos assistere clunibus continuatos, et cornibus facile propulsare lupos? Quare de canibus, quoniam genera duo, unum venaticum, et pertinet ad feras bestias, ac silvestres: alterum, quod custodiae causa paratur, et pertinet ad pastorem: dicam de eo ad formam artis dispositam in novem partes. 3. Primum aetate idonea parandi, quod catuli et vetuli neque sibi, neque ovibus sunt praesidio, et feris bestiis nonnunquam praedae. Facie debent esse formosi, magnitudine ampla, oculis nigrantibus aut ravis, naribus congruentibus, labris subnigris aut rubicundis, neque resimis superioribus, nec pendulis subtus, mento suppresso, et ex eo enatis duobus dentibus dextra et sinistra, paulo eminulis, superioribus directis potius, quam brocchis: acutos, quos habeant, labro tectos: (4.) capitibus, et auriculis magnis, ac flaccis: crassis cervicibus, ac collo: internodiis articulorum longis: cruribus rectis, et potius varis, quam vatiis: pedibus magnis, et altis, qui ingredienti ei displodantur: digitis discretis: unguibus duris, ac curvis: solo nec ut corneo, nec nimium duro, sed ut fermentato, ac molli: a feminibus summis corpore suppresso: spina neque eminula, neque curva: cauda crassa: latratu gravi: hiatu magno: colore potissimum albo, quod in tenebris specie leonina. 5. Praeterea feminas volunt esse mammosas aequalibus papillis. Item videndum, ut boni seminii sint. Itaque a regionibus appellantur Lacones, Epirotici, Sallentini. Videndum ne a venatoribus, aut laniis canes emas. Alteri, quod ad pecus sequendum inertes. Alteri, si viderint leporem, aut cervum, [quod] eum potius, quam oves sequentur. Quare aut a pasto-

ribus emta melior, quae oves sequi consuevit: aut sine ulla consuetudine quae fuerit. Canis enim facilius quid assuescit, eaque consuetudo firmior, quae sit ad pastores, quam quae ad pecudes. 6. P. Aufidius Pontianus Amiterninus, cum greges ovium emisset in Umbria ultima, quibus gregibus sine pastoribus canes accessissent; pastores ut deducerent in Metapontinos saltus, et Heracleae emporium: inde cum domum redissent, qui ad locum deduxerant, e desiderio hominum diebus paucis postea canes sua sponte, cum dierum multorum via interesset, sibi ex agris cibaria praebuerunt, atque in Umbriam ad pastores redierunt. Neque eorum quisquam fecerat quod in agricultura Saserna praecepit, Qui vellet se a cane sectari, uti ranam obiciat coctam. Magni interest ex semine esse canes eodem, quod cognati maxime inter se sunt praesidio. 7. Sequitur quartum de emtione: fit alterius, cum a priore domino secundo traditum est. De sanitate et noxa stipulationes fiunt eaedem, quae in pecore, nisi quod hic utiliter exceptum est. Alii pretium faciunt in singula capita canum. Alii ut catuli sequantur matrem. Alii ut bini catuli unius canis numerum obtineant, ut solent bini agni ovis. Plerique ut accedant canes, qui consuerunt esse una. 8. Cibatus canis propior hominis, quam ovis. Pascitur enim e culina et ossibus, non herbis aut frondibus. Diligenter ut habeant cibaria providendum. Fames enim hos ad quaerendum cibum ducet, si non praebebitur, et a pecore abducet. 9. Nisi si (ut quidam putant) etiam illuc pervenerint, proverbium ut tollant antiquum: vel etiam ut μῦθον aperiant de Actaeone, atque in dominum afferant dentes. 10. Nec non ita panem ordeaceum dandum, ut non potius eum in lacte des intritum, quod eo consueti cibo uti, a pecore non cito desciscunt. Morticinae ovis non patiuntur vesci carne, ne ducti sapore minus se abstineant. Dant etiam ius ex ossibus, et ea ipsa ossa contusa. Dentes enim facit firmiores, et os magis patulum: propterea quod vehementius diducuntur malae, acrioresque fiunt propter medullarum saporem. Cibum capere consuescunt interdiu, ubi pascuntur: vesperi, ubi stabulantur. . . .

§ 6. *Fragmenta librorum incertorum.*

Fragmenta Varroniana ex auctore Moralitatum in Spicilegio Solesmensi primum edita, vol. iii. p. 320, anno 1855.

(*a*) Gressum seu volatum cucullus habet furtivum et remissum,

quia prope terram. . . . Est maximae pigritiae avis: nam nunquam facit nidum, quia taedet eum laborare: immo ab aliis avibus inferioribus se (*lege* a se *vel* pro se?) factos invadit, et ova non sua comedit. Praeterea habet a natura purgare hortos a bruchis sive erucis, quibus libentius vescitur: esto quod incipiat, statim resilit . . . quando cantum suum sentit irrisioni haberi per hominem simili voce sibi cantanti respondentem, post aliquam dissimulationem dimittit suum naturalem cantum: multiplicando vocem quasi per insultum, irridet ipsum hominem, et invehit in eum irridentem. . . . Magnam vocem edit et multiplicatam, et continuatam eam cantibus uniformibus reddit, absque aliquo fructu.

(*b*) Cycnus fortitudinem suam habet in alis. Instanti morte pennas in caelo erigit et sic dulce canit. Cholericae complexionis est, et ideo iracundus. Cum uno pede natat, et cum alio se regit, veli modo. Quum (*lege* cum) piscibus nutritur, eis innoxius est; dentes habet minutissimos in rostro unde cibos incidit. Super aquas nidificat sollicitus in pullis educandis; avis oneris impatiens.

§ 7. *Incerti liber de Praenominibus a Iulio Paride in epitomen redactus; qui paene totus ex Varrone haustus videtur.* [Ad calcem Valerii Maximi ed. C. Halm.]

1. Varro simplicia in Italia fuisse nomina ait existimationisque suae argumentum refert, quod Romulus et Remus et Faustulus neque praenomen ullum neque cognomen habuerint. Qui ab eo dissentiunt aiunt matrem eorum Ream Silviam vocatam, avum Silvium Numitorem, fratrem eius Amulium Silvium, ac superiores Albanorum reges Capetum Silvium, Agrippam Silvium, posterioresque duces Mettum Fufetium et Tutorem Cloelium vocatos. Nec contenti his ad Sabinos transgrediuntur: Titum Tatium, Numam Pompilium et patrem eius Pompium Pompilium eiusdemque regionis principes enumerant Pustulanum Lauranum, Volesum Valensium, Mettum Curtium, Alium Fumusilleaticum. E Tuscis recitant Lartem Porsennam, ab Aequiculis Septimum Modium, primum regem eorum, et Fertorem Resium, qui ius fetiale constituit. In hunc modum Varronis sententia subruitur.

2. Romanos autem arbitrandum est maxime ab Albanis et

Sabinis multiplicandorum nominum consuetudinem traxisse, quoniam ab illis orti sunt. Omnia autem quae ad unum quemque nostrum definiendum excogitata sunt, eandem vim significandi hominis optinent. Quod per proprietatem dicitur, hoc distat, quia eo gens cognoscitur, ideoque dicitur gentilicium: cetera ordine variantur. Nam quod praeponitur praenomen, quod post fertur cognomen, quod ad ultimum dicitur agnomen. Quorum series non ita ut exposui semper servata est. Animadverto enim in consulum fastis perplexum usum praenominum et cognominum fuisse. Dictum Postumum Cominium Auruncum, et Postumum Aebutium Helvam, et Vopiscum Iulium, et Opitrem Verginium Tricostum, et Paulum Fabium Maximum. Quin etiam quaedam cognomina in nomen versa sunt, ut Caepio: namque hoc in Bruto nominis locum obtinuit.

3. Gentilicia nomina Varro putat fuisse numero ∞, praenomina circa XXX. Pueris non prius quam togam virilem sumerent, puellis non ante quam nuberent praenomina imponi moris fuisse Q. Scaevola auctor est. Quae olim praenomina fuerunt, nunc cognomina sunt, ut Postumus, Agrippa, Proculus, Caesar.

4. Opiter, qui patre mortuo, avo vivo gignebatur. Vopiscus, qui in utero matris geminus conceptus, altero abortu eiecto incolumis editus erat. Hostus praenomen fuit in eo, qui peregre apud hospitem natus erat, idque habuit Lucretius Tricipitinus, collega L. Sergii. Volero in praenomen abiit, quod volentibus nasci liberi parentibus videbantur: quo usus est Publilius Philo. Lartis praenomem sumptum est a Laribus, Tuscum autem esse creditum, fuitque consul Lar Herminius cum T. Verginio Tricosto. Statius a stabilitate, Faustus a favore praenomina ceperunt. Tullus praenominatus est ominis gratia, quasi tollendus, o littera in u conversa. Sertor qui per sationem natus erat adpellatus est. Ancum praenomen Varro e Sabinis translatum putat: Valerius Antias scribit, quod cubitum vitiosum habuerit, qui Graece vocatur ἀγκών. Lucii coeperunt adpellari qui ipso initio lucis orti erant, aut, ut quidam arbitrantur, a Lucumonibus Etruscis. Manii, qui mane editi erant, vel ominis causa quasi boni: manum enim antiqui bonum dicebant. Cnaeus ob insigne naevi appellatus est. Quod unum praenomen varia scriptura notatur: alii enim Naeum, alii Gnaeum, alii Cnaeum scribunt. Qui G littera in hoc praenomine utuntur, antiquitatem sequi

videntur, quae multum ea usa littera est. Olim enim dicebatur frugmentum, nunc frumentum ecfertur, et forgtis, non fortis, et gnatura, non natura: ergo etiam qui in corporibus gigni solet gnaevus appellabatur. Qui CN ponunt corruptione syllabae delectari videntur, qui Naeus, levitate. Gai iudicantur dicti a gaudio parentum, Auli, quod dis alentibus nascuntur, Marci Martio mense geniti, Publi qui prius pupilli facti erant quam praenomina haberent, alii ominis causa e pube. 6. Tiberii vocitari coeperunt qui ad Tiberim nascebantur. Titus e Sabino nomine † Tito fluxit, Appius ab Atto, eiusdem regionis praenomine. Caesones adpellati sunt qui e mortuis matribus exsecti erant, Servius, quod mortua matre in utero servatus est, Spurii patre incerto geniti quasi *σποράδιοι*. Numeriis sola tantum modo patricia familia usa est Fabia, idcirco quod trecentis sex apud Cremeram flumen caesis qui unus ex ea stirpe extiterat, ducta in matrimonium uxore filia Numerii Otacilii Maleventani sub eo pacto, ut quem primum filium sustulisset, ei materni avi praenomen inponeret, obtemperavit.

7. Antiquarum mulierum frequenti in usu praenomina fuerunt, Rutila, Caesellia, Rodacilla, Murrula, Burra a colore ducta. Illa praenomina a viris tracta sunt, Gaia, Lucia, Publia, Numeria: ceterum Gaia usu super omnes celebrata est. Ferunt enim Gaiam Caeciliam, Tarquinii Prisci regis uxorem, optimam lanificam fuisse et ideo institutum, ut novae nuptae, ante ianuam mariti interrogatae quaenam vocarentur, Gaias esse se dicerent.

NOTES.

NOTES ON PART II.

Inscriptions.

In editing the Inscriptions that follow I have adopted the order of the first volume of the Corpus of Latin Inscriptions (indicated by C.), of which the second part may be considered almost an epitome. I have selected those that appeared to be most useful for my purpose, adding a few that have been discovered since its publication in 1863, and which have been edited in Ritschl's five Supplements, in the Hermes, and in the Ephemeris Epigraphica. A few here and there have been added from the later volumes of the Corpus. The text has also been occasionally emended from the same or similar authorities. In some of the legal documents I have inserted the supplements adopted by Bruns in his Fontes Iuris Romani Antiqui, but generally my object has been to represent the Corpus as closely as possible. To those selected from the first volume I have added, in an appendix, some of the wall inscriptions from Pompeii, as edited by C. Zangemeister in the fourth volume of the Corpus. The notes are throughout based on Mommsen's, of which they are not unfrequently merely abstracts, but I have not thought it worth while to refer to his name particularly, except where I wished to contrast his views with those of other scholars. I have added a good deal in the Introductions, particularly on points of grammar, law, and religious custom. My object has been to attempt a solution of every real or even apparent difficulty, or else to notice where an explanation was wanted but had not yet been discovered. The Inscriptions in the first volume of the Corpus are divided into two parts. The first consists of the Inscriptiones Vetustissimae, those most archaic, and generally antecedent to the Hannibalic war. Of these I have given almost all (with the exception of the coins, of which I have given only a few). The second contains the remainder up to the death of Julius Caesar. This latter part is divided again into four principal sections,—(1) Public Documents, (2) Coins, (3) Inscriptions referring to public officers, and others of certain date, (4) other Inscriptions of uncertain date. I have omitted section (2) entirely, as too detailed for the purposes of this book, but have given a very large proportion of the remainder. The remainder of the first volume of the Corpus contains the Elogia Clarorum Reipublicae Virorum, honorary inscriptions mostly set up in imperial times, the Fasti Anni Iuliani, from which a good deal has been borrowed in my notes on the Calendar, and the Fasti Consulares up to the year of the city 766, the latter edited by Henzen. I have not thought it to my purpose to select anything from this part of the book.

INSCRIPTIONES VETUSTISSIMAE.

Bello Hannibalico quae videntur antiquiores.

NUMMI ANTIQUISSIMI. Page 156.

I have given only a few of these inscriptions on coins, and none of those of the second division, as the subject, though very interesting, is too detailed for the purposes of this book. Mommsen has written at length upon it, das Römische Münzwesen, Berlin 1860, 8.

C. 1 and 2. Must be before 490 v. c., as then the *as* ceased to weigh a pound. No. 1 is an unique specimen, weighing 4 lb. 11 oz. Roman weight. It was found at Velitrae, and is now in the Kircherian Museum at Rome. Obs. the full form of the gen. *Romanom* not preserved in others.

C. 5, 2. *Se(rvio) Pos(tumio) P(ublio) Bab(io)*. Similar specimens of the *aes grave* are found with the inscriptions, HAT, FIR, VES = *Hat(riano)*, *Fir(mano) Ves(tino)*.

C. 11. Obs. the early *G*, of a different form to that mentioned Int. ii. § 4. Cp. C. 30, 2.

C. 14. See Introduction, ii. § 3.

C. 16. *proboum* is perhaps a Graecism. Cp. *vivous*, C. 1418.

C. 19. *Benventod*, abl., so *Ladinod*, 24.

C. 20. *Aisernim*, gen. pl., so *Safinim* on Samnite coins. *Volcanom*, acc., with a head of Vulcan. Cp. the accusatives on works of art below, C. 57, 59.

C. 24. *Ladinei*, locative; the *d* for *r* indicates that it is rather Oscan than Latin. Cp. the form *Frentrei* on coins of Frentrum (Mom. Unterit. Dialekt. pp. 201, 230).

CARMEN FRATRUM ARVALIUM. Pages 157, 158.

C. 28. This inscription is taken from the most important table of the acts of the College, discovered at Rome in 1778, and edited by Gaetano Marini, Atti e Monumenti de' Fratelli Arvali, 2 vols. 4to, Rome 1795, with a very important commentary. Similar acts have been discovered in the last few years on the site of the grove itself, now the Vigna Ceccarelli, and have been edited by Henzen, Scavi nel Bosco Sacro dei Fratelli Arvali, fol. Roma 1868. The publication by Dr. Henzen of the whole series of documents, in an accessible form and with explanatory notes, will be a great gain to scholars. The book has, however, appeared too recently for me to make full use of it in these notes. (Acta Fratrum Arvalium, Berolini, 1874, 8°.) We have in it a chronicle of the society, more or less complete, from the reign of Augustus to that of the Gordians, A.D. 241. It is generally supposed that before the time of Augustus it had fallen almost into abeyance, but that, like many other religious institutions, it was restored by him.

The *Arval Brothers* or *Brethren* are defined by Varro (L. L. v. 85) 'qui sacra publica faciunt propterea ut fruges ferant arva.' They seem to have done for the whole people what each father of a family did for his own farm at the Ambarvalia, or lustratio agri, described by Cato, R. R. 141, Tibullus, El. ii. 1, and others. The formula addressed to *Mars pater* in Cato should especially be compared with the *carmen*. There is even a probability that the same name was applied to both ceremonies, if at least the gloss of Festus (Epit. s. v. Ambarvales) should be thus read, 'Ambarvales hostiae dicebantur quae pro arvis a *duodecim* fratribus sacrificabantur,' instead of *duobus*. But we must be careful not to confound the public and private Ambarvalia. These brethren—called 'fratres,' like the Attidian brethren of the Iguvine litanies, whose office seems to have been to perform a sort of Amburbium, just as that of the Arvales was an Ambarvale—were no doubt a very old college of priests, like the Augures, the Pontifices, the Flamines, etc.; and they seem to date from the time of the kings. The legend states that Acca Larentia, foster mother of Romulus, had twelve sons, with whom she used to sacrifice once in every year for the fields. On the death of one of them Romulus took his place, and with his eleven foster brothers constituted the first college, the members of which wore, as a sign of priestly rank, a crown of ears of corn bound with a white ribband (Masurius Sabin. ap. Gell. N. A. vii. 7; Plin. N. H. xviii. 2, who seems to have drawn from the same source).

From this we may gather at least that the brethren, like the other priestly colleges, were delegates of the king in his capacity of Father of the people. What may be the meaning of the rest of the story is not so clear. Preller (Röm. Myth. p. 422 foll., cp. Schwenck, Rh. Mus. xxii. p. 129, 1867) interprets *Acca Larentia* as 'mother of spirits,' i. e. the great earth-spirit. *Acca*, according to him, answers to Sk. *akkâ*, 'mother,' cp. Gk. *ἄττα*, while the *Lares*, or 'Lords,' Gk. *ἄνακες*, are spirits in general, the word itself being closely akin to *larvae*. *Acca Larentia* in this view is only another name for the special deity of the Arvals, the Dea Dia, else unknown, but generally identified with Ops. Mommsen, on the other hand (die echte und die falsche Acca Larentia. Weidmanns, Berlin 1871), considers the name to be originally *Larentina Acca*, and that she has nothing whatever to do with the Lares, but was only a bit of rationalism introduced into the legends of Romulus to take the place of the *lupa*. Even the story which is the oldest about her, the explanation of the *parentatio Accae Larentiae* (Dec. 23) he holds to be a mere 'verger's legend,' and to have no mythological meaning. Those who are fond of mythology will hardly assent to this; but it is well to be on our guard against mere fancies.

Whatever may be the origin of the college, occult or simple, its members, like those of others, were chosen by co-optation and for life, and it was considered among the highest families an honour to be a brother; in fact, the election of several of the emperors is chronicled in the acts. The other officials were chosen yearly in May, in the festival at the grove, but did not come into office till the Saturnalia, the last day of which (Dec. 23), it may be remarked, was also the *Larentalia*, or *parentatio Accae Larentinae*. These were a Magister and Promagister (in case of absence or death), a Flamen and Proflamen, and a number of lower officers, scribes,

sacristan (aedituus), criers (calatores), and publici. We find also boys of noble birth, who were also necessarily 'patrimi et matrimi,' serving as attendants or 'camilli' at the sacrifices and public feasts.

The chief seat of their worship was outside Rome, 'in luco deae Diae via Campana apud lapidem V' (Marini, Atti, Tab. xxxii. etc., Orell. Inscr. 961), that is, about four miles from the present gate of the city, on the road to Portus. The yearly festival took place in May, alternately on the 17th, 19th, and 20th, or the 27th, 29th, and 30th, just at the time when the first fruits were ripe and the harvest was now about to begin. (See Henzen, p. 4.) The first day was kept in Rome, generally in the house of the Magister or some other member of the college. It consisted chiefly of a morning service, in which 'dry and green fruits,' i.e. of the old and new year, and laurel-crowned loaves were touched and blessed ('fruges aridas et virides contigerunt et panes laureatos'), and the image of the Dea Dia anointed, and of an afternoon banquet, from which the Camilli took portions to the altar. No doubt, in the first ceremony we are to see a sort of blessing of the first fruits of the year, before the ordinary use of them began, a custom referred to by Pliny, N. H. xviii. 2, 'ac ne degustabant quidem novas fruges aut vina antequam sacerdotes primitias libassent.' (Cp. Plin. xxviii. 2, 5, and see on the Fasti, Vinalia Apr. 23. It is interesting also to trace some analogies to the ceremonies of Passover and Pentecost. Lev. xxiii. 10-17.) Some of last year's produce was also kept to be used at the same time—somewhat, perhaps, like our superstition of preserving a Good Friday cake through the year—and loaves, probably of new corn, were blessed and crowned with laurels. The offering of portions of the banquet in the afternoon is also an old Roman custom, thus described by Servius, ad Aen. 1, 730, 'apud Romanos cena edita sublatisque mensis primis silentium fieri solebat, quoad ea quae de cena libata fuerant ad focum ferrentur et igni darentur, ac puer deos propitios nuntiasset.' The anointing of the goddesses was no doubt a naive way of making them partake the other good things of this life. Cp. Tibull. ii. 2, 5 foll., Cic. Verr. iv. 35, etc. Prudentius speaks of *anointing the Lares* as one of the commonest Roman superstitions:—

> 'puerorum infantia primo
> Errorem cum lacte bibit: gustaverat inter
> Vagitus de farre molae: saxa inlita ceris
> Viderat, unguentoque Lares humescere nigros.
>
> Contra Symmachum, i. 201–204.

Every boundary-stone or terminus was also anointed before being set up in its consecrated hole, see on the Fasti, Feb. 23. We have a similar practice in Greek religion referred to by Theophrastus describing the *δεισιδαίμων* (Char. xvi), *καὶ τῶν λιπαρῶν λίθων τῶν ἐν ταῖς τριόδοις παριὼν ἐκ τοῦ ληκίθου ἔλαιον καταχεῖν καὶ ἐπὶ γόνατα πεσὼν καὶ προσκυνήσας ἀπαλλάττεσθαι.* (For a superstition of the same kind, preserved in Norway to the end of the last century, see Tylor, Primitive Culture, ii. 153, who also refers to this passage of Theophrastus; and for the Hebrew custom cp. the act of Jacob at Bethel, Gen. xxviii. 18, and the commentators there).

PAGE 157, l. 1. *Item* IIII *Kal. Iunias*, etc. The next day there was no

festival in this particular year, but the day after, in this case, the 29th of May, A.D. 218, the consulship of Macrinus Aug. and Adventus, there was a meeting early in the morning in the grove of the goddess. Here were not only a temple and an altar, but various smaller altars and 'foculi,' a circus, and a tetrastylum. The latter was apparently a square building supported with columns, not necessarily with four, for we read of one in the house of Gordian, which had two hundred of four different kinds of marble (Iul. Cap. Gord. 32). In the circus races were run, the signal being given by the Magister or Promagister in full official costume, 'riciniatus coronatus,' as we read on several of the tables. The service on this day began with an offering of two expiatory pigs (*porcilias*, 'sucking-pigs,' a form which may support the disputed *haediliae*, Hor. I Od. xvii. 9), *luci coinquendi* (*causa*), lit. 'for the sake of pruning the grove.' The word *coinquere* or *coninquere* (less correctly *coinquire*) is explained by Festus, Ep. as *deputare, coercere*, and occurs outside of these inscriptions in the Digest (Alfen.) xix. 2, 29, 'Redemptor silvam ne caedito neve *coinquito* neve deurito neve quem *coinquere* caedere urere sinito.' (See also note on the Fasti, March 19.) I regard the root of it as probably the same as that of *cae-d-o*. Naturally enough trees often fell down or decayed and lost their branches, or were struck by lightning, and had to be removed; and all work of this kind, especially all work done with tools of iron, had to be atoned for by a preliminary sacrifice. In this case two pigs sufficed, a sacrifice of similar size was enough to atone for the ordinary work of cutting and carving marble, '*ob ferri inlationem scripturae et scalpturae marmoris* (*causa*).' (Tab. xliii.) But when a fig-tree had grown into the fastigium of the temple and had to be removed and the temple repaired (Tab. xxxii.), or when a number of trees had been struck by lightning, and altars had to be restored (Tab. xliii.), nothing less than a procession and sacrifice of suovetaurilia (*lustrum missum suovetaurilibus maioribus*) could atone for the intrusion. The custom of preceding religious services by expiatory sacrifices, *praecidaneae hostiae*, to avoid a possible pollution of an unknown kind, seems to have been a common one at Rome. But here the particular act of using iron upon the earth and its products seems the one to be expiated. Similarly, Cato gives directions for a piaculum of a pig, before thinning a grove (*lucum conlucare*) or digging. In the first case he directs you to use the formula, 'Si deus, si dea es, quoium illud sacrum est uti tibi ius siet porco piaculo facere *illius sacri coercendi ergo*. Harumce rerum ergo sive ego sive quis iussu meo fecerit, uti id recte factum siet,' adding in the second case *operis faciundi causa* (R. R. 139, 140; Part iii. p. 335) after '*illius sacri*,' etc.

The use of iron, for some reason or other, was proscribed in more than one ancient religion, or if used, as in these cases, had to be atoned for. Sometimes this may have been a piece of mere religious conservatism, as probably the ordinance that the pig slaughtered in striking a treaty had its throat cut with a flint by the pater patratus (Liv. i. 24, 'porcum saxo silice percussit,' p. 279). Compare the custom of using bronze implements in sacred matters, such as the ploughshare with which the outline of a city was traced by Etruscan discipline, or the razor with which a priest was shaved among the Sabines and sometimes among the Romans (Macrob. Saturn. V. xix. 11–14, cp. Serv. Aen. i. 448, 'flamen Dialis

aereis cultris tondebatur,' Lydus de Mensib. i. 31, who makes it a law of Numa's). The dislike to iron itself might also arise in a tribe from its becoming first known in the shape of offensive weapons in the hands of another tribe, especially if one of differing religion. In connection with this we may remark that the fetialis who declared war at Rome was ordered to carry in his hand 'hastam *ferratam* aut praeustam sanguineam,' and to throw it across the boundaries of the enemy's country. (Liv. i. 32; p. 277.) But further, particular deities were supposed to be averse to iron, especially the Fire-god, as is seen not only in the Greek proverb πῦρ μαχαίρᾳ μὴ σκαλεύειν, adopted by the Pythagoreans, and the Latin 'Ignem gladio ne fodias' (cp. Hor. 2 Sat. iii. 276), but also in the superstitions of several savage nations of North-east Asia and North America. (Tylor, Early Hist. of Mankind, p. 275.)

Is it too fanciful to conjecture that this dislike was conceived to arise from the Fire-god being forced to slave so hard in the smelting and moulding of iron, and that the Earth-spirit, with whom we have here to do, had a similar feeling with regard to the instruments which shore her foliage and cut down her groves and scarred her breast in mining and ploughing? Man might very well be called upon to atone for his δεινότης who, in the words of Sophocles—

> Θεῶν τὰν ὑπερτάταν, Γᾶν
> ἄφθιτον ἀκαμάταν ἀποτρύεται
> ἰλλομένων ἀρότρων ἔτος εἰς ἔτος, ἱππείῳ γένει πολεύων.

l. 3. After the sacrifice of the young pigs followed that of a *vacca honoraria*, probably white, and so called as distinguished from *piaculares*. The *extae* were then offered in different places, and the Master, after making a formal entry (*in codice cavit*) of the proceedings, laid aside his praetexta and retired to his tent (*papilio*). The word *extae* is a parallel form to the more common *exta*, just as *sertae* to *serta*; so *arvas*, Naev. Lycurg. 24.

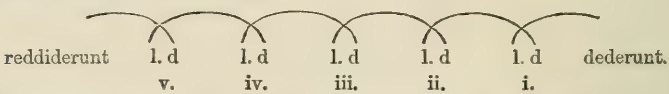
5. *Cavere* has the same sense lower down, *caverunt se adfuisse*; cp. the legal usage of making a formal disposition or appointment. The sense here is evidently 'to do something in a formal way,' and so 'make a formal entry on the register.'

Papilio is a *pavilion* or tent. The word occurs in this sense in the writers of the Augustan History. The idea would seem to be taken from the shape of a butterfly, the body being comparable to the pole over which the canvas is stretched hanging down on both sides like the wings. *In papilione suo reversus*. Of this use of *in*, which is common in the Latin Bible and later writers generally, Rönsch gives numerous instances, It. und Vulg. pp. 406, 407. Cic. N. D. i. 21, 'ne *in cogitatione* quidem cadit,' which he quotes, is, however, to say the least, doubtful.

6–11. In the forenoon, after a formal entry of their presence on the register, the brethren breakfasted together, and then, in their robes and crowns, went up into the thicket of the grove and sacrificed a fat lamb and examined it for omens. This, says Mommsen, was the crowning-point of the sacrifice; see the parallel in Verg. Georg. i. 339–350. The lamb is properly called *hostia*: a *victima* is a larger animal (Henzen, p. 29). Returning to the temple they offered *ollae* upon the table, an important feature in an ancient temple, 'in qua epulae libationesque et stipes reponuntur,' and serving almost as an altar (Ius Papirianum, quoted in Macrob. Sat. III. xi. 5, 6). On the use of *ollae* in sacrifices, cp. Varro,

L. L. v. 98, who says, defining *arvigae*, 'haec sunt quarum in sacrificiis exta in olla non in veru cocuntur, quas et Accius scribit et in pontificiis libris videmus.' In the meanwhile the Master and Flamen sacrificed on the turf in front of the altar. The brethren then went also out and laid their *thesauri* on the altar, evidently not the one in the temple, but that on which the *extae porciliares* had been offered. These *thesauri* are no doubt caskets of some kind into which offerings of money (*stips*) were placed, as is gathered from the following passage, Varro, L. L. v. 182, '*Stips* ab στοιβῇ fortasse, Graeco verbo. Id apparet, quod ut tum institutum etiamnunc diis cum *thesauris* asses dant *stipem* dicunt.' Seneca, Ep. 115, also speaks of a god being worshipped 'in thesauros stipe infusa,' cp. de Benef. vii. 4.

11. After this collection or 'offertory,' the Flamen and Master offered wine and incense outside the temple, holding in their hands *scyphi* and *simpuria*, the latter being ladles much like cyathi, and censers (*acerrae*). (We notice here the carelessness of the cutters, some word such as *ferentes* being wanted after *acerras*, *ostium* being miswritten *osteum* and *simpuviis sumpuvis*.) After this two of the brethren went down (*desciderunt*, as Henzen shews, is probably from *descendo*, rather than *discedo* or *descindo*. He compares *lucum descidisse*, a. 219, and *supra carcares escidit*, a. 87), accompanied by public slaves, *ad fruges petendas*, i. e. to collect the specimens of the old and new year's produce, probably the same as those which they had blessed two days before, or it may be others brought by the crowd round them. These were passed from hand to hand, from the right hand of the first to the left hand of the next, and from his right hand to the left of his neighbour, and then backwards in exactly reverse order, for this is how I understand *dextra dederunt, laeva receperunt, deinde ad alterutrum sibi reddiderunt*, not of course confining it to the two brethren who went and came back (*reversi*) with the 'fruges.' That this was not an awkward, but rather a natural and graceful action, may be seen from the following diagram, beginning of course at the right :—



These having been thus duly inspected by all the brethren, were handed over to the public slaves.

14. Then they entered the temple and said a prayer, as de Rossi thinks, *to* the *ollae*. Henzen also explains *sacrum fecerunt ollis*, 'sacrificed to the ollae,' relying on the mention of prayers offered to the *simpuvium Numae*, Prudent. Peristeph. 2, 277, Henzen, p. 30. *Iacuerunt*, in the text, should be *iactaverunt*, — a curious rite. The *panes laureati* were divided amongst the people[1]

[1] It is probably to rites like these, as to those of Mithras and Hercules Victor or Invictus that the Christian fathers, Tertullian and Justin Martyr, refer as suggested by the devil in imitation of the Christian Liturgy (Tert. de Praescr. Haeret. xl, Just. Apol. i. 66; compare the Christian Poem of the fourth century lately discovered by M. Delisle, line 42 'qui . . | Pollutos panes infectos ture vaporo | poneret in risum.' This poem may be found in the Revue Archéologique for

by the public slaves, and a libation of food of other kinds (adopting Klausen's translation [illegible] and [illegible]). The use of the latter word is illustrated by an epigram of Martial describing the [illegible] of the games of Stella, Epigr. viii. 78. 7-8 — [illegible] populum [illegible], the [illegible] being [illegible]. Such a [illegible] was a common feature of [illegible] and is described at some length by Statius (Silv. I. vi. [illegible]) [illegible] C. I. L. [illegible]. [illegible] compares Cato, R. R. [illegible]. He therefore supposes [illegible] to be something else of the same kind. This over, the strangers were removed, and the public excluded, and the doors being shut, the brethren, with their robes girt up and taking the sacred books in their hands, sang the following hymn, the oldest complete specimen of a Latin poem in existence. I translate according to the punctuation given in the text, but somewhat freely, so as to give, if possible, the impression of the original. The parts of the chant addressed by the brethren to one another—forming a sort of [illegible]—are enclosed in brackets. [illegible] takes [illegible] together [illegible], remarking on the [illegible]. I had supposed, with Mommsen, that it meant 'separating themselves into two parties.' For [illegible] interpretation cp. [illegible]. Each line, it will be seen, is repeated thrice, according to the Roman custom expressed in the word tripudium [illegible].

'Help us, O Lares, help us, Lares, help us!
  And thou, O Marmar, suffer not
  Fell plague and ruin's rod
  Our folk to overtake.
Be satiate, O fierce Mars, be satiate!
  (Leap o'er the threshold! Halt! now beat the ground.)
Be satiate, O fierce Mars, be satiate!
  (Leap o'er the threshold! Halt! now beat the ground.)
Be satiate, O fierce Mars, be satiate!
  (Leap o'er the threshold! Halt! now beat the ground.)
(Call in your aid the heroes all, call in alternate strain.
  Call, call the heroes all.
  Call in your aid the heroes all, call in alternate strain.)
Help us, O Marmar, help us, Marmar, help us!
  (Bound high in solemn measure, bound and bound again,
  Bound high and bound again!)'

1. Enos. The explanation of this e is not at all certain. No trace of it appears elsewhere in the Latin pronouns, though the forms in Greek, [illegible] offer some

[illegible], with a commentary by Ch. Morel. See also Prof. R. Ellis, Journal of Philology for [illegible]. The [illegible], the [illegible] of the Fratres from the people and the distribution among them of the [illegible] which had been [illegible] by the touch, would of course be here the chief points of comparison. The explanation of such rites as belonging to [illegible], as well as to [illegible], would probably not be difficult.

analogies. On the whole, it may be best to explain it as the interjectional *e* which combines elsewhere only with vocatives, such as *Ecastor*, *Edepol* (i.e. *e De Pol*, 'O God Pollux'), *Edi medi* ('O God, my God,' Span. *A di me!* 'O dear me!'), etc. We ought perhaps here to write it *E nos*. Cp. Introd. xii. § 11.

Lases = Lares. It is superfluous to multiply instances of this fact that the old Latin *s* between two vowels constantly changes to *r* in later Latin. Varro remarks on it (L. L. vii. 26), quoting the well-known fragments of a Salian hymn, and the following words, *foedesum, plusima, meliosem, asenam, ianitos*. Cp. *sum* and *eram, quaeso* and *quaero, nasus* and *naris*, etc., etc. The introduction of *r* into names like *Furius, Papirius, Valerius* is ascribed to Appius Claudius, the great censor, V. C. 442.

The invocation of the *Lares* is very much in place here, if we allow Preller's interpretation of *Acca Larentia*. The *Lares*, as we have said, were not only household spirits, but spirits in general, whom we can only separate in idea from *genii* by supposing them once to have had a human life. That they were spirits in general is shown by their worship at the Compitalia. Here we may take them to be the guardians of the Roman soil, the mythical ancestors of the race.

2. *Neve lue rue, Marmar, sins incurrere in pleores.* In modern Latin this appears to be equivalent to *Neve luem ruem, Mars, sines* (or *sinas*) *incurrere in plures*. It seems decidedly better to take *luerue* (with Mommsen) as two words, than as = a supposed *luerem*. No doubt such a word is possible, but on the analogy of *sperem, speres*, rather than on that of *boverum, Ioverum, lapiderum*, which are perhaps mere introductions of the second form of genitive into the consonantal declension. But though possible, there is no direct evidence for it, and we have still to explain the presence in the supposed *luervem* of the *v* or *u*. On the other hand, *lue, rue* are two distinct and known words, the latter occurring in a glossary (apud Labb.) = *ruina*. Remark of course the omission of final *m*, common alike to old and late Latin. *Ae* for *e* in *luae* is merely an error frequent enough at the date of the inscription (see Introd. iii. § 4). The concurrence of two or more substantives without a conjunction is quite regular in old Latin, cp. Ep. Scip. C. 30, *Taurasia(m) Cisauna(m) Samnio cepit*, Col. Rostr. C. 195, 14, *arcentom captom, praeda*, and even a closer parallel in the prayer at the 'lustratio fundi' ap. Fest. s. v. Pesetas, 'Avertas morbum, mortem, labem, nebulam, impetiginem.'

Marmar, *Marmor*, or *Mamor* is the reduplicated form of *Mars*, seen also in the Oscan or Sabine *Mamers*. From it two names of men are formed, one the praenomen *Mamercus*, confined at Rome to the Aemilian gens, and exactly parallel to Marcus from Mars; the other *Mamurius*, which has its parallel in the commoner *Marius*, as well as in the Oscan Μάρας. The name Mamurius has been sometimes ascribed to the god himself, as by Preller (Röm. Myth. p. 317), who interprets Mamurius Veturius, the man clothed in skins, representing Winter, who was led through the city the day before the Ides of March and driven out of it with white wands, as Mars of the old year (vetus = ἔτος). Otherwise Mamurius appears as the smith who made the 'ancilia,' who begged as a reward that his name might be mentioned at the end of the Salian hymns—

> 'Tum sic Mamurius "Merces mihi gloria detur
> Nominaque extremo carmine nostra sonent."

Inde sacerdotes operi promissa vetusto
  Praemia persolvunt Mamuriumque vocant.'

Ovid, Fasti, iii. 389, sq.

Marma stands for *Marmar* merely as a vulgar pronunciation. So in late Latin we have *mate*, *pate*, *Alexande*, *soro*, *urso*. Schuchardt, Vok. des Vulg. L. ii. 390.

Sins is probably a contraction of the future *sines*, just as *advocapit* for *advocabitis*, below, in an imperative sense. Cp. Fest. s. vv., '*prospices* prospice . . . *perfines* perfringas,' apparently quoting from the Salian hymns. This future appears to be originally an optative, and may be compared with the Greek usage of the optative ἄν in polite commands. A similar use of the future is common in Cicero's Epist'es and elsewhere, e.g. Hor. 1 Ep. xiii. 2, 'Augusto *reddes* signata volumina, Vini.'

Pleores is no doubt the oldest extant form of *plures*. It seems to be a contraction of * *ple-ior-es* or * *ple-ios-es* from a form * *ple-ios*, *plous*, *plus*, closely answering to Greek πλε-ίον ες. See above, Introd. xi. § 5. No one would now interpret it as a form of *flores*.

Pleores may perhaps mean much what οἱ πολλοὶ does in Greek, the folk, or mass of the people, and we might compare *incurrere in pleores* with γενεᾶς ἐπὶ πλῆθος ἕρπον, Soph. Ant. 585.

3. *Satur fu fere Mars.* So Bergk, making *fu* a shortened imperative of the second form of the substantive verb. This seems better than to suppose that FVRERE is the right reading. The objection to *fere Mars* (as a matter of style) is a slight difficulty, since it is the only epithet in the poem; but no other epithet could be better in place. It is found, for instance, Ovid, Heroid. vii. 160:—

'*Mars ferus* et damnis sit modus ille tuis.'

A third explanation, making *fufere* one word, a contraction from a supposed *fufueris*, is also possible, but not so probable. The loss of the *u* would, in this case, have to be explained, as in the supposed origin of the terminations *-bam*, *-bo*, from * *f(u)am*, * *f(u)o*.

Limen sali . Sta . Berber. This punctuation is, of course, conjectural. According to it these will be words addressed by the brethren to one another, a sort of refrain continued in the next line, and parallel, as a direction to the brethren, to the last call to beat the ground in solemn measure, *Triumpe*, *Triumpe*, etc.

Preller, on the other hand, makes them an appeal to the god (R. M. p. 429). 'Sated with fury (*satur furere*), return home to thy Temple and cease to lash thy steeds.' But to this various objections may be taken; first, to the construction *satur furere*, and, secondly, to the rather far-fetched idea put upon *berber*, though somewhat confirmed by the quotation he makes from Ovid, Met. xiv. 821, 'conscendit equos Gradivus, et ictu Verberis increpuit,' but especially to the construction *sta verber(e)*, which I understand him to translate, 'Halt with thy lash'—one perhaps unexampled in Latin. According to the text there is no great difficulty in translating—

'Leap o'er the threshold. Halt: now beat the ground.'

The superstition of not treading upon the threshold is one common to many nations. The priests of Dagon introduced it into their worship after the image

of their god had fallen down (1 Samuel v. 5), and some rites of the kind seem to have been imported into Jerusalem in the time of the prophet Zephaniah (i. 9). At Rome it was unlucky for anyone to tread on the threshold with the left foot, and a bride, on entering her husband's house, ought not to touch it, and was often carried over it by the *pronubi;* cp. Catull. Epithal. 61, 159 sqq., 'Transfer omine cum bono | Limen aureolos pedes, | Rasilemque subi forem;' and Plaut. Casin. iv. 4, 1—

'Sensim super adtolle limen pedes, nova nupta,'

and Plutarch, Quaest. Rom. init. The idea, no doubt, was to avoid striking the foot, as would often be the case if the frame of the door was raised above the level of the entrance. The Romans also put the threshold under a special divinity, *Limentinus* or *Limentius.*

We must suppose, then, that this was originally part of a processional hymn of some sort, for the 'limen' can only be the entrance to the temple; while to leap *on* the threshold would be difficult, and senseless as a rite. Of course, here, to leap over the threshold with closed doors, was impossible; but we know from Quintilian that the priests hardly understood their own songs, and, if they did, no doubt did not think it necessary to act them out.

Berber is for *verbera* or *verbere,* probably the latter, as the short vowel would be more easily elided, and we know that many derived verbs had once a simple form, e.g. *triumpe,* not *triump(h)a,* in the last line. The confusion of *b* and *v,* though not very early, would be sufficiently common at the date of the inscription (A.D. 218) to account for the error in *berber.* No one will now accept the ingenious, but unscientific, explanation of this line as = *lumen solis da fervere.*

4. *Semunis* = semones, agreeing with *conctos.* *Semo,* there can be little doubt, is for *se homo,* something beside, more than, a man (just as *nemo* is for *ne homo*), and has no connection with *semen.* The length of the vowel, in the oblique cases, corresponds to the archaic *homōnem,* etc. The *semones,* then, are the inferior class of gods, such as Priapus, Epona, Vertumnus, who are to be invoked *all* together to avoid offending any by omission, just as the Romans invoked the 'newly-settled gods,' the 'Divi Novensiles,' as well as the 'Divi Indigetes.' See below, note to no. 178. *Semo* answers to *Divus,* e.g. in the name *Semo* Sancus = *Dius* (i.e. Divus) Fidius.

alternei, 'alternately.' The brethren doubtless were in two parties, whatever sense be given to *descindentes* and *desciderunt,* above. Probably the first, fifth, and sixth lines were sung in chorus, and the remainder were divided in the middle and sung antiphonally, according to the regular Italian method, 'amant alterna camenae.'

advocapit for *advocabitis.* So we find *propom* for *probum* on early coins (C. 19), and *poplicus,* etc., for *publicus,* etc. The loss of final *-is* may be paralleled by nominatives like *vigil, facul, par, celer,* etc.

6. *Triumpe* = later *triumpha,* from a verb of simple formation, so in the formula *Io! triumphe!* the latter is probably an imperative, not a vocative. The aspirated consonants were unknown in Rome till the time of Cicero, when they were introduced to represent Greek sounds and letters more closely (Int. ii. §§ 1, 7). Thus *θρίαμβος* was represented at first by *triumpos* (cp. Quint. Inst. i. 5, 20) and

a verb formed from it. We have a similar Greek word, borrowed, it may be, very early, in *cozeulodos* or *cozeulodoidos* = χοραύλαδος in the Salian hymn (Varro, L. L. vii. 26). Θρίαμβος, no doubt, meant a solemn march, especially to music, and seems etymologically the same as the English *tramp*, both probably being onomatopoeic. The other words for triumphing, *rituluri*, *orare*, are said to be derived from the sacrifices offered, but see note on Naevius, Tr. Frag. 34.

SCIPIONUM ELOGIA. (Pp. 159–162.)

Description of the Monument.

THE monument of the Scipios stood outside the city, beyond the Porta Capena, and near the Appian Way. It consisted of two parts, a vault in which were the stone coffins or sarcophagi of the family, and, over it, a chamber with columns. These may have formed a portico in which were the statues of P. and L. Scipio and of the poet Ennius (cp. Liv. 38, 56, Cic. pro Arch. 9, 22). The tradition that the latter was buried here is weak, and not confirmed by the excavations. These were made towards the beginning of the seventeenth and the end of the eighteenth centuries, but in a barbarous and careless manner. The dust and bones were thrown away, and the sarcophagi and epitaphs taken to the Vatican museum. It is interesting to observe the confirmation of the statements of Cicero (De Legg. ii. 2, 27) and Pliny (H. N. vii. 54, 187), that none of the patrician Cornelii were burnt till the time of Sulla, for no epitaphs belonging to urns were found except those of Cornelia Gaetulica and M. Iunius Silanus, and others of at least the time of Augustus. On the custom of burial, as opposed to burning, see below, on C. 74 foll. and XII. Tables, x. fr. 1, 5.

The Epitaphs themselves are interesting on many grounds. They are the first Latin inscriptions of any length to which we can attach a date; they are instances of a change of custom at Rome, for the Latins were not originally in the habit of thus commemorating their dead, but borrowed the fashion, with others in the fifth century of the city, from the Greeks; they are also important historically, but especially as metrical and grammatical monuments. Four of them are in the Saturnian metre, and one in elegiacs. This metrical character was first noticed by E. Q. Visconti (Mon. degli Scipioni, Rome 1785): the division of verses is generally indicated upon the stone by spaces or lines. Whether Niebuhr was right in his suggestion, that they were fragments of 'neniae,' is very doubtful. They might indeed easily be supposed to be parts of longer poems, but they are sufficiently complete as they stand.

The Gens Cornelia and the Scipios.

The gens Cornelia was a very old one, as might be inferred from the existence of the Cornelian tribe, and from the Cornelius who was Pontifex under Servius (Plut. Q. R. 4). It consisted of many families, four of which seem to have been of nearer kin to one another than the rest; viz. the Maluginenses, Cossi, Scipiones, and Lentuli. The relationship of the others, the Rufini, Sullae, Dolabella, Cinnae,

and Cethegi, is less evident. The surname *Scipio* is first assigned to P. Cornelius, Trib. Mil. v. c. 359. According to Macrobius, 'non aliter dicti *Scipiones* nisi quod *Cornelius* qui cognominem patrem luminibus carentem pro baculo regebat *Scipio* cognominatus nomen ex cognomine posteris dedit.' It might be said to become a *nomen*, inasmuch as several branches of the family assumed additional cognomina for the sake of distinction. Two branches of it, the *Nasicae* and *Asinae*, do not seem to have used this burial place, though both equally descended from the *Scipio Barbatus*, cos. 456. to whose tomb the first inscription belongs. It appears that in the age of Augustus the Scipios became extinct, and that the monument passed into the use of the *Lentuli*, to whom several inscriptions of that date belong.

It is to be remarked that neither here nor elsewhere do we find more than three *praenomina* in use among the Scipios, viz. *Gnaeus*, *Lucius*, and *Publius*.

The Stone employed in the Sarcophagi.

Three kinds of volcanic stone are used in these sarcophagi, as in many other Roman works, and a few words about them may be here in place. These are *tufa*, *peperino*, and *travertine*. Specimens brought by Mr. Parker may be seen in the Ashmolean Museum at Oxford.

Tufa, tophus, Germ. *Tufstein*, is the general name for the volcanic conglomerate, which is the ordinary stone of Rome and the neighbourhood. It is not hard like lava, but full of dust and ashes, and often as light as pumice stone. It is sometimes used for inside vaulting, but is not strong enough for the outside of buildings.

Peperino, or *lapis Albanus*, or *Gabinus* receives its Italian name from the black volcanic dust, like pepper, mixed with it. It is of a harder and more crystalline substance, and of a better colour than tufa.

Travertine, lapis Tiburtinus, found especially near Tivoli, as peperino is in the neighbourhood of Alba and Gabii, is a still better stone. When Mr. Browning speaks of 'mouldy travertine,' it is in comparison of fine marble or porphyry, but travertine is almost marble, when compared with tufa. It has generally a yellow tinge, and was used in Rome chiefly for the outsides of public buildings.

The Saturnian Metre.

The *Saturnian* verse, in which four of these epitaphs are written, requires some words of explanation. The derivation of the *name* has been questioned, but it seems best to explain on the analogy of that of *Faunian*, also given to it. These two names would seem to connect it with the two patrons of rustic life, one of whom, by his kindness (*favor*) preserved the flocks, while the other was the guardian of the tilth (*sata*). As to the long *a* of *Saturnus* or *Saeturnus*, see below, C. 48.

As to *metre*, the most regular scheme is the following, that is, a double set of three trochees, preceded by an anacrusis, or base—

⏓ | –́ ⏑ | –́ ⏑ | –́ ⏑ || –́ ⏑ | –́ ⏑ | –́ ⏑

but the following seem to be the special rules which are drawn from a comparison

of the more regular specimens. They are the result of a considerable train of investigation, the details of which have escaped my memory, but I have not intentionally borrowed them from any one, though I believe they are substantially the same as those adopted by Spengel.

(1) The *anacrusis* at the beginning of the line, and the *thesis at the end of each half of it*, cannot be suppressed.

(2) With this exception, *one thesis*, or syllable without an ictus, may be suppressed, the last but one * in the last half, is that most commonly omitted.

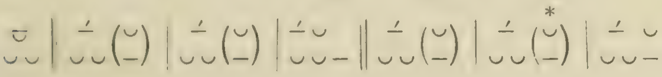
(3) The ordinary substitutions of two short for one long syllable, and of a long syllable for a short one in the thesis, are freely admitted.

(4) The caesura in medio versu is generally, but by no means always, observed.

(5) Elision is admitted or disregarded at pleasure.

(6) Smaller peculiarities of ancient prosody, especially with regard to archaic long vowels, are discussed in the notes on these inscriptions, and in the introduction to the fragments of Livius' Odyssey.

With these licences, the full scheme of the metre will be as follows :—



I. L. CORNELIUS SCIPIO BARBATUS CN. F.

C. 29, 30. PAGE 159.

THE following inscriptions are from a sarcophagus cut out of Alban stone (*peperino*), in one piece, and gracefully ornamented. The first is painted in red letters (not cut), upon the margin of the sarcophagus. The second is cut, and coloured afterwards, and stands upon its side. The first line, and about twelve letters of the second, are wanting in it. Ritschl concludes that it was added at a later date than the painted title, and in place of one erased. The first is certainly older in form, the nominative case ending in *o*, while, in the second it is formed in *us*; and for the same reason it is held that No. 32, the epitaph of the son, is in its form older than that of the father.

The subject of this epitaph is mentioned by Livy as colleague in the consulship with Cn. Fulvius Maximus Centumalus, V. C. 456, and is said by him to have fought against the Etruscans at Volaterrae, while Fulvius was victorious in Samnium (Liv. x. 11, 12). The epitaph, on the contrary, tells us nothing of Scipio's battle in Etruria, which was by no means a decisive victory, but of his taking two towns in Samnium, and subduing the whole of Lucania. Fulvius alone triumphed over the Samnites and Etruscans, and possibly the recognition of Scipio's victory was suppressed to conciliate the Lucanians, whose alliance was needed by the Romans. We may suppose that Fulvius, having conquered the Samnites at Bovianum, left the subjugation of Lucania to his colleague and moved north to Etruria, where Scipio had fought somewhat unsuccessfully in the previous year.

We have the two following entries in the Acta Triumphorum Capitolina (C. p. 456) :—

455, v. c. M. Fulvius Cn. f. Cn. n. N(obilior). Ann. CD*liiii.*
Paetinus Cos. de Samnitibus Nequinatibusque. VII. k. Oct.

456, v. c. Cn. Fulvius Cn. n. Maxim(us). An. CDLV.
Centumalus Cos. de Samnitibus Etrusceisque. Idibus Nov.

l. 1. *Cornéliús Lucius*, not *Lucius Cornelius*. Observe the praenomen standing after the nomen 'metri causa,' a not very unfrequent anomaly in old Latin poetry. So in the epitaph of Pacuvius (apud Gell. i. 24; below, p. 316),

'Hic sunt poetae *Pacuvi Marci* sita
Ossa. Hoc volebam nescius ne esses. Vale.'

and in the prologue to the Mercator of Plautus, v. 10, according to Ritschl's certain emendation—

'Eadem Latine Mercator *Macci Titi*.'

The epitaph, C. 831, ALFENOS LVCI(us), is probably merely a blunder of an ignorant man, perhaps a Greek.

Lucíus. In this word the *i* is evidently long, as in no. 32, *Lucíom Scipióne;* and the same quantity is preserved in the Italian *Lucía*. The name is apparently formed from **Lucus* (= λευκός), just as *Alpheivs* and *Albius* from ἀλφός, albus, and would at first mark a certain complexion. *Lucullus*, again, is evidently a diminutive from **Lucus*, just as *Catullus* from *Catus*. Cp. also *Fabullus*, *Marullus*, *Tertullus*, though *Fabius*, *Marius*, and *Tertius* are in use, not **Fabus*, etc. Varro derives *Lucius*, conjecturally, from the time of birth, 'forsitan ab eo qui mane natus esset ut is *Manius* diceretur; qui luci *Lucius;* qui post patris mortem *Postumus*' (L. L. ix. 38, 60), but this does not seem so good an analogy as the other.

The same uncertain length of the vowel *i* is seen in such double forms as *Pompeius* and *Pontius*, *Turpleius* (65–72) and *Turpilius*, *Proculeius* and *Proquilia* (Sep. Praenest. C. 74–165), *Saufeius* and *Saufi*(*os*) (Sep. Praen.), *Vetteia* and *Vettius* (Ib.). (Cp. also Schleicher, Comp. § 68, 2.)

2. *Gnaivod.* In this word, and in *prognatus* and *subigit*, we have the earliest known instances of the use of the letter *g* in Latin, except perhaps in the word *Gabinio*, *Gabinius*, on three paterae found at Tarquinii (Eph. Epigr. 8, *a*, *b*, *c*, below p. 163; cp. Corss. i. p. 10). The probable date of Scipio's death, circ. v. c. 474, B. C. 280, will then be the time to fix the introduction of this letter. Sp. Carvilius, probably, was the first to *teach* its use, and to give it the seventh place in the alphabet. (See Introd. ch. ii. § 4, and above C. 11.)

This is the only instance of the ablative in *d* in these epitaphs. It is used, however, in the later S. C. de Bacchanalibus, in all except the last words, a striking instance of the variety of usage. Legal documents, no doubt, retained many archaisms which had elsewhere gone out of vogue.

The name *Gnaivos* is the oldest form of *Gnaeus*, to which it seems to be related, as *Gavius* to *Gaius*. The root of both appears to be *ga* or *gen*, 'to beget,' and the first meaning, 'son,' 'offspring.' (Corss. i. p. 79, note.) *Naevus*, 'a wart,' is probably something that *grows* on the skin. *Patré.* On the length of the *e* see Introd. x. § 10.

Sapiensque may be either scanned ⏑⏑ –́ ⏑, or by synizesis, *sapiensque*.

3. *quoius forma*, etc. The scansion of this line is a somewhat difficult problem. In the Introduction, iv. § 4, I inclined to adopt the suggestion of Corssen, that *quoius* is here to be taken as a lengthened form *quo-i-us*, like *quoiei*, *eiei*, for *quoi*, *ei*. But this cannot be proved, inasmuch as the long *i* of *illius*, etc., is the result of a contraction, and I prefer the scansion in the text. There is one other possibility, according to the rules of the Saturnian metre, which has been suggested to me, viz. to make *quoius* a monosyllable, and to scan

quoius fórma vírtuteí parísumá ⏑ fúit,

suppressing the last thesis but one. (For *quoius*, as a monosyllable, compare Plautus, Captivi, 102, etc.)

parisuma is the superlative from *par*, hardly found elsewhere, and must mean, 'was the only thing comparable to,' or 'quite equal to.' The *-is* (later *-iss*) of the superlative can hardly be made short, being probably a contraction, Int. xi. 19; but the final *a* in *forma* or *parisuma* may be, and constantly is, long.

fuit has here a long *u*, as in the line of Ennius, Ann. 440—

'Nos sumus Romani qui *fūimus* ante Rudini,'

and *fūisset*, v. 242.

So *fūit*, Plaut. Capt. 633; *fūimus*, ib. 262; *fūerint*, Poenul. prol. 110; *fūerim*, Naev. Com. Rib p. 18. (Corssen, ii. 681.)

The form *fūi* appears to be for *fuvi*, which becomes *fŭi*, just as *plūvi*, *plŭi*, *lŭi*, *rŭi* become short. See Introd. xvii. § 13 and 15.

4. *censōr*, like Greek ῥήτωρ: so Enn. Ann. 42—

'Postilla germana *sorōr* errare videbar,'

and Vergil, Aen. xii. 550—

'Et Messapus equum *domitōr* et fortis Asilas.'

fuit. On the length of the termination, see Introd. xvii. § 3.

5. *Taurasia Cisauna* are accusatives with *m* dropped; *Samnio* is, in all probability, an ablative = 'in Samnium.' So Mommsen: but Ritschl would make it an accusative, as well as the others. Of the two places mentioned as taken by Scipio, one is known to us from Livy, xl. 38, who mentions the foundation of a colony in the 'ager' of the *Taurasini*; the other is quite unknown. It would seem absurd to put a whole country, Samnium, *after* two apparently unimportant places in it, though we have *Corsica*, and its principal town *Aleria*, naturally enough in the next epitaph. Historically, too, there is little evidence that Scipio conquered the whole of Samnium. *Samnio* will then be the ablative without a final *d*; see note on *Gnaivod*. Such ablatives, without prepositions, are not uncommon, in old and colloquial Latin, as in *parentis loco*, *hoc loco*, *libro primo*, *terra marique*. We have good instances below, with names of places, and the idea of 'from,' or 'out of,' in the tituli, C. 530, '*Hinnad* cepit,' and 534, '*Aetolia* cepit,' and in classical Latin, as in Horace, 1 Epist. xi. 11:—

'Sed neque qui *Capua* Romam petit, imbre lutoque
Adspersus volet in caupona vivere.'

6. *subigit . . abdoucit* seem to be presents, with a not uncommon change of

tenses. *Abdoucit* can hardly be a perfect. On the quantity *subigit*, see Intr. xiv. § 10.

The phrase *omne(m) Loucanam* seems also against the notion that *Samnio* can be the accusative. 'He takes two towns in Samnium, and subdues *all* Lucania.'

II. L. CORNELIUS L. F. SCIPIO. C. 31, 32, pp. 159, 160.

THE subject of these inscriptions was son of the preceding, and consul with C. Aquilius Florus, V.C. 495. He invaded Corsica with a fleet, and took Aleria and subdued the whole island. Thence he passed to Sardinia, and attacked Olbia. The Carthaginian general Hanno was killed in battle outside the town, and honourably buried by Scipio. He did not take the place, but retired before Carthaginian reinforcements. On his return, however, he triumphed, *de Poeneis et Sardin(ia) Corsica an.* CDXCIV. V. *id. Mart.* The temple, vowed no doubt when he was in danger of shipwreck, is referred to by Ovid (Fast. vi. 193):—

'Te quoque, Tempestas, meritam delubra fatemur
Cum paene est Corsis obruta classis aquis.'

It stood by the *porta Capena*, near the monument of the Scipios.

C. 31. The title and the metrical epitaph seem rightly to belong together, though there is no absolute proof. Like those of the preceding, the title is painted, the epitaph cut. *Aidiles*, beside *aidilis*, is a good instance of the uncertainty of writing, arguing also uncertainty of pronunciation.

C. 32. The stone is broken off, and the ends of the lines have been supplemented by Ritschl, with very great probability; the second line, however, presents a difficulty, as there is a space on the stone between *viro*, and the break large enough for *viroro*, but left blank. Probably, like C. 38, the epitaph was cut on different stones, and then joined together.

The epitaph itself is more archaic than that of Scipio Barbatus, inasmuch as it preserves the termination *-o* or *-os*, instead of *-us*. That of Barbatus was, perhaps, first painted, and then cut at a later date, in order to preserve it, and some of the archaisms removed. This would seem to me, also, the probable account of the way in which the *columna Rostrata* was dealt with, rather than that any fresh archaisms were introduced in either.

1. *oino(m)*, the archaic form for *unus*: so *Oinumama*, a name for an Amazon = 'unomamma,' below (C. 1501), p. 164. *Non* is, of course, for *ne oinom, noenum, noenu*. Corssen holds the derivation to be the same as that of Sanskrit *e-na-m*, 'these,' Greek * *οἶνος, οἴνη* (*παρὰ τοῖς Ἴωσι μονάς*, Pollux, vii. 33, p. 347, ed. 1608), Latin *e-ni-m*, Umbrian *ei-ne, ē-no-m* = 'and,' and Oscan *ϵ-ιν, í-ní-m*, 'and,' viz. the two pronominal roots *i* and *-na*. (i. 387.) On the change from *oi* to *oe* and *ū*, see Corssen, i. pp. 702–710.

ploirume for *ploirumei*. The change of the *a* or *e*, of the root *ple-*, to *u*, is noticeable, so Greek *πλο-ῦ-τος, πολ-ύς*. The *ir-* is probably the ordinary *-is* of the superlative. Further, the insertion of an *i* or *u* before the superlative suffix is somewhat remarkable. See Introd. xi. §§ 11, 16.

R(omai) will of course be a locative, as below, C. 54. Ritschl had before

conjectured R(omane). The thought is very like that of another contemporary Elogium of A. Atilius Calatinus, of which Cicero preserves the recollection (Cat. Mai. xvii. 61, de Fin. II. xxxv. 116), 'unum hunc (codd. *uno cum* and *unicum*) plurimae consentiunt gentes populi primarium fuisse virum.'

duonoro = bonorum, so '*duonus* Cerus' (Carm. Sal.), *duellum* = bellum, *duis* = bis. We must suppose the final syllable unelided, as in the preceding epitaph, Loucanam | opsidesque.

([illegible]) is absolutely required by the metre, but seems to have been omitted on the stone. See note at the beginning.

3 *Luciom*, see above, 30. Observe the *m* added here, and dropped in every other case in this epitaph.

5. *hec* appears on the stone, though the *e* is rather rubbed. Cp. *que* for *quei*, in the epitaph of Protogenes. C. 1297.

([illegible]) is supplied, apparently, from a comparison of the Col. Rostr. 5 (*p*)*ucnandod cepet*, and 10, *pucn*(*andod vicet*).

6 We must, apparently, suppress the thesis after *dedit*⏑. On the form and quantity *Tempestatebŭs*, see Intr. x. § 15.

The *Tempestates* are personified, as in Lucretius, v. 742:—

> 'Inde aliae *Tempestates* ventique secuntur
> Altitonans Volturnus et Auster fulmine pollens.'

Vergil, Aen. v. 772:—

> 'Tris Eryci vitulos et *Tempestatibus* agnam
> Caedere deinde iubet, solvique ex ordine funem.'

Cp. Aen. iii. 120, 527, and see Preller, Rom. Myth. p. 291, sq.

mereto(*d*) *votam*. *Mereto*, or *meretod*, must be here an adverb, and so, probably, in the inscriptions below, 183, lubs *mereto*, and 188, liben(s) *meritod*, though in the Titulus Soranus, 1175,

> 'donu danunt Hercolei maxsume *mereto*,'

it appears to be in the dative case.

(*votam*) must be simply = 'quam voverat,' and be taken separately from *mereto*(*d*).

III. P. CORNELIUS SCIPIO AFRICANI F. C. 33.

This inscription was also upon the front of a sarcophagus, it is cut on two slabs of peperino, and was originally miniated. The verses are separated by rather a longer space than is left between single words. The subject of it is supposed to be the son of Sc. Africanus Maior, and adoptive father of Sc. Aemilianus, or Africanus Minor, who is described by Cicero as of weak health, though not deficient in eloquence and literary power (Cic. Cato Maior, 11, 35, De Off. i. 33, 121, Brut. 19, 77). He was also augur (Liv. xl. 42). This identification is quite possible, but not certain.

C. 33, 1. *quei apice*, etc. This line is metrically rather curious, from the fact that *quei* is not elided, and that the last syllable of *insigne*(*m*) is made short.

The *apex* of the *flamen Dialis* was, properly, the twig or spike of olive wood on the top of the sacred hat ('albogalerus'). The hat itself was made of the skin

of a white victim offered to Jove, and was, with the spike or ray, no doubt symbolic of the god of light and purity. A hat of the same kind was worn also by the Salii. The flamen could never take off his apex in the open air, and was for many centuries obliged to wear it even indoors. So late as 87 B.C., when L. Cornelius Merula committed suicide, in order to anticipate a violent death in the time of Marius' proscription, he left behind him a written declaration that he had taken off his apex before he opened his veins.

The office itself was one of the most interesting in Roman religion. It was dignified and fenced about with numerous ordinances, all tending to render the Flamen as nearly as possible symbolic of the god whom he served. Though not absolutely forbidden to hold a public office (Fab. ap. Gell. x. 15), he was rarely in one, as he was allowed neither to ride on horseback, nor to see an army in battle array outside the pomoerium. He was (like the Vestals) not allowed to use an oath, a simple affirmation being held sufficient. He might have no closed or complete ring on his hand, no knot on his clothes or apex, or anywhere about him, that is, nothing to bind or shackle him. His hair and beard could only be cut by a free man, and with a bronze razor; and his clothing must be of wool, and woven by his wife. He must touch nothing unclean, or connected with death or confinement. His house, and his very bed, were sacred, and he could not sleep out of it three nights together. His household was to be the very model of a Roman family, and his wife an ideal matron, and a priestess of Juno. They could only marry once, and could only be divorced by death. For further details see Preller, Rom. Myth. p. 179 foll., and the passage of Fabius, below, p. 344.

2. *essent*, the first instance in these epitaphs of the use of doubled consonants. Intr. ii. § 9.

ómniá ◡ *brévia.* This appears to be the best way of scanning this line; for the quantity which is commoner with *omnia* than other words, see Intr. ix. § 10.

3. *famā*, so *terrā́*, v. 7, *vitā́*, in the next epitaph. Intr. iv. § 4, vi. § 5.

4. In this line the caesura is not observed. *Utier* must be scanned as a disyllable by synizesis. On the form, see Intr. xix. § 5.

5. *facilḗ* is here probably the ablative case, 'with ease.' There are hardly any other such forms from ablatives of the *i* declension, except perhaps *proclivē̆*; but consonantal ablatives are not uncommon, such as *sponte, vesperi, tempori, repente, antid, ante, postid, post*, etc.

6. *in gremiu(m)* is written on the stone almost as one word, without a dot, illustrating the fact of Latin accentuation, that prepositions with cases are atonic. This may be compared with the fact that ἐς, ἐν, ἐκ are atonic in Greek. See Intr. iv. § 2.

7. *terrā́*, see on line 3.

Observe here, again, the names *Scipio . . . Publi . . . Corneli*, inverted metri causa. See on C. 30, 1 *Cornelius Lucius*.

IV. L. CORNELIUS SCIPIO CN. F. CN. N. C. 34.

VISCONTI refers this epitaph to a grandson of Calvus, cos. V. C. 532, and son of Hispallus, who died as consul 578. This is not impossible, but by no means certain, nor can the date of the inscription be otherwise determined, except as far as is indicated below.

C. 34. 1. The pointing *vírtútes*, making the ictus fall on two following syllables in the same word, is very awkward, but seems necessary to the metre.

2. *quom*=cum, the preposition. So *oina quom*, Lex Agr. 200, 21.

posidēt. See Intr. xiv. § 10.

saxsum. The use of *xs* for *x* is not found, according to Ritschl, before the date of the S. C. de Bacchanalibus, B.C. 186. It may perhaps indicate a weakening of the *x* to a softer sibilant.

3. *quoiei vitá*, etc. The rendering of this line is rather difficult. The writer evidently plays on the two meanings of *honos*, 'worth' and 'official post.' *Honore* is probably *honore(m)*, 'In whom life, not worth, fell short of official post.'

4. *virtutei.* The use of this form for the ablative is not found on inscriptions before about B.C. 150. See Intr. x. § 10.

5. There is a difficulty in the reading here, the word after *is* may begin either with a *d* or *l*. Lachmann conjectured LETO . EST, suggested, no doubt, by the formula of proclaiming a public funeral, 'ollus Quiris leto datus est.' (Varro L. L. vii. 82, Fest. v. Quirites, p. 254 M.) But this, though ingenious, does not agree so well with the indications of the stone. The same may be said of Ritschl's conjectures, DEITIST or DITEIST, though in itself very probable. Mommsen's LOCEIS comes nearest perhaps, but this use of the word has not been accurately paralleled, though *loculus* is common enough, and *locus*, especially *locus sepulchri* or *monumenti*, in later Latin, with a name in the genitive case, stands often as an epitaph, e.g. Orell. 8, 4167, 4499-4503. We get, however, a more absolute use occasionally, e.g. *r(ivus) loc(um) f(ecit)*, Orell. 4144. Cp. Wilmanns, 217, 291,

6. *ne quairatis honore quei minus sit mandatus.* This line is ambiguous, from the different senses which may be assigned to *honore* and *quei*. The first may be *dative* or *accusative*, the second *ablative* or *nominative*. Visconti's explanation, adopted by Mommsen, is probably the true one, 'ne quairatis honore(m), quei minus sit mandatus,' i. e. 'quem non acceperit.' I had thought it possible to translate, 'He died at twenty, lest you should ask why (*quei*, abl.) he was not advanced to office.' *Quairatīs* is a very rare quantity.

V. C. 35. *L. Cornelius L. f. P. n. Scipio.* This Scipio was selected as cicerone to attend Prusias, king of Bithynia, when he came to Rome, V. C. 587, probably on account of his knowledge of the Greek language and family connection with the kings of Bithynia. See Liv. xlv. 44.

VI. C. 36. . . . *Cornelius L. f. L. n. Scipio Asiagenus Comatus.* This cannot

be a brother of the foregoing, and son of the Scipio 'qui regem Antioco(m) subegit,' as his grandfather would then be *Publius* (like no. V), not Lucius. Yet from its antiquity it cannot be much more than a generation below.

Asiagenus is a form else unknown: it is a pure Latin compound, like *privignus, abiegnus, aprugnus,* and Umbrian *Trutiknos.* Livy and others sometimes use *Asiagenes,* while *Asiaticus* became the ordinary form.

VII. C. 37. Ritschl supposes this to have been a Saturnian epitaph. He would join 'quo adveixei,' not 'quoad.'

VIII. *C. Cornelius Cn. f. Scipio Hispanus.* This epitaph—the earliest specimen of Latin elegiacs, except a few of Ennius'—is on three numbered slabs of peperino, which formed the front of a sarcophagus. The inscription does not exactly fit the stone, so that there are spaces in the middle of two or three words.

The person here designated corresponds to the praetor of V.C. 615, son of Scipio Hispallus. The *Decemviri sl(itibus) iudik(andis)* are here mentioned for the first time by this name. The *iudices decemviri* were originally appointed by the tribunes—after the first 'secessio plebis'—to assist them in cases where their auxilium was invoked against the consular tribunals. (Liv. iii. 55.) As the rights of the plebs and patricians became more equal, the *iudices decemviri* lost this peculiar position, and gained that of true judges and magistrates, under the title of *xviri slitibus iudicandis.* We know little of their exact judicial province. See further, Lange, Röm. Alt. i. p. 752 foll.

slis, or *stlis,* (cp. Germ. *Streit*) becomes *lis,* just as *stlocus* = locus, *stlata* = lata.

decemvir sacr(is) fac(iundis). These were not raised to the number fifteen certainly up till V.C. 655, and probably not till the time of Sulla. Mommsen.

2. *progenie mi genui.* Mommsen quotes Lachmann ad Lucr. ii. 991, 'est hoc rarissimum συνεκφωνήσεως genus in quo *i* vocalis ita delitescit, ut syllabam non faciat longam,' to support the quantity of *progenie* as a dactyl. It is certainly very harsh, but perhaps not harsher than to scan *sibei* as a pyrrhic in the next line, and *tibei* in tit. Mum. C. 552.

'De decuma victor *tibei* Lucius Mummius donum.'

The other alternative is to suppose the *i* of *mi* a mistake of the stone-cutter, and to write *progeniem genui,* which is also the commoner construction.

4. *stirpem nobilitavit honor* means, of course, that the nobility of his descendants was increased by the number of curule offices he had held.

IX. C. 39. *(P)aulla* appears to be the better reading than *Aulla* for *Aula,* for the later is only found once as a female praenomen, and the *l,* which is usually doubled in *Paullus,* is not in *Aulus.* She was perhaps *mother* of the preceding Scipio Hispanus, who was son, in all probability, of Hispallus, cos. V.C. 578. On the use of female *praenomina,* see on C. 177.

POCULA SPECULA SIMILIA INSCRIPTA. Pp. 162–165.

C. 43. *Aecetia* is, no doubt, merely another name for *Aequitas,* a goddess known to us from Arnob. iv. 1, and from the inscription on imperial coins, AEQVITAS PVBLICA, and elsewhere. Her symbol was the opened left hand. Preller, R. M.

p. 629. *Aequitia* may be inferred from *aequitia*. Cp. *saevitia* and *saevities*, *duritia* and *durities*, etc. The form *Aecetia* is interesting, as showing a hard *c* before *e*.

C. 44. *Belola* is else unknown. It might, phonetically, be a diminutive of *Bellona*, cp. *Hispallus* for *Hispanulus*, etc.

C. 45. This is the only one of these inscriptions without final *m* to *pocolom*. If it is genuine, *Coera* must be the goddess *Cura*, else unknown, except as personified by Horace. Some would read *Cotra* here.

C. 46. *Keras* is known to us from the fragment of the Salian hymn, Varro, L. L. vii. 26, 'duonus *Cerus* es, duonus Ianus,' and Festus, p. 122 M. '"*Cerus* manus" intelligitur creator bonus.' Cp. the use of *Çerfus* and *Çerfia* in the Iguvine tables, and the adjective *kerriiois*, applied to creative powers in the tablet of Agnone. See further, Preller, R. M. p. 70, who would connect it also with *caerimonia* and *cerritus*. The root is evidently the same as in *Ceres*, *creo*, *cerno*, etc., viz. *kar*, 'to make,' and probably also in the suffixes *cro-*, *cri-*, etc. The use of *k* before *e* is evidently that of a hard guttural. Intr. iii. § 23 foll.

C. 47. *Laverna*. Hor. 1 Ep. xvi. 60, *laverna*=fur. The name is probably connected with *lar* and *larvae*. Prell. R. M. p. 218, cp. Corss. Kr. N. p. 240.

C. 48. *Saeturnus* has been introduced by Ritschl into Festus, s. v., 'qui deus a Saliaribus *Saeturnus* nominatur videlicet a sationibus,' where the MSS. read *Saturnus*, and the best MSS. of the epitome *Saeturnus*. The diphthong has probably arisen from the simple vowel, just as *se-vi*, *se-men*, *se-ia*, from *sa-vi*, etc. Cp. *paelex*, *scaena*, from πάλλαξ, σκάνα, Corss. i. pp. 417. 418. The vessel is an oenochoe with handle, not a patera.

C. 49. *Salutes*. Intr. x. § 7.

C. 51. This is the first inscription extant in which a tribe is named. The use here, and at first, was to serve instead of a cognomen for plebeians, the cognomina proper being reserved for patricians. In legal documents, however (such as Senatus consulta), the tribe, as well as the cognomen, was added, as Serv. Sulpicius Q. f. *Lemonia* Rufus, Cic. Phil. ix. 7, or, more shortly, Q. Verres *Romilia*, Verr. i. 8, 23. Similarly, the Lex Rep. 198, 14, orders as to *iudices*, 'quos legerit eos patrem tribum cognomenque indicet.' The tribus *Oufentina* or *Ufentina*, was added with the Falerna, v. c. 436, from the country round the river Ufens.

C. 52. The *Quirina* tribus was added v. c. 513. This inscription is, therefore, a good deal later, but too like to be disjoined from no. 51.

C. 54. This remarkable inscription is on a bronze plate, on which stood some Bacchic figures, and was fixed on to the cover of the *Cista Ficoroniana*, a chest no doubt originally brought from the sepulchre at Praeneste.

The reading *filea* has only lately been substantiated: *filia* used to be read here. *Dindia* is here a praenomen, cp. the others from the sepulchre at Praeneste; but it is elsewhere found as a nomen.

med is found nowhere else in inscriptions; but see Intr. xii. § 5.

Romai, a decided locative. *fecid*, Intr. xiv. § 9.

C. 1500. *Micos*, Greek μικκός, μικρός, beneath the figure of a boy. *Aciles*, obs. the omission of the aspirate. So *Teses*, in next no. *Hercles*, a form between Ἡρακλῆς and *Hercules*, which some have needlessly derived from another root.

Iacor stands beneath the figure of a youth with a pallium on his back, armed with a sword, with a spear in his left, and touching his chin with his right hand, intent upon Mercury. Otto Jahn (who has described this chest) takes him for Memnon, and remarks that he is elsewhere designated by a name otherwise unknown. *Vepitus* is a rather doubtful reading, and very doubtfully explained. It stands under the figure of a woman giving a helmet to *Aiax*. Ritschl suggests *Veritus*, *Virtus*. Mommsen thinks *Venus may* have been intended.

C. 1501. *Venus* and *Aucena* are represented in chariots. Jahn thinks that Paris is holding a judgment 'non dearum quidem sed heroidum pulchritudine celebratarum, locus iudicii balneum.' He would read *Nireus* rather than *Teses*, but the latter is apparently nearer the truth. *Aucena* may perhaps be a goddess of 'growth,' from *augere*, cp. *Lucina*.

Observe here in *Aiax* and *Alixenter*, and in *Aiax* in the preceding, the early use of *x* in Latin. *Oinumama*, i. e. Unimamma, represents an Amazon, and naturally stands by *Teses*, Theseus. In *Ateleta* obs. omission of *n* before *t*, Intr. iii. § 19. *Alsir* is represented by a woman leaning on a small column, naked, except that she has shoes and a necklace and bracelets.

C. 55. This mirror refers to the combat of *Pollux* with *Amycus*, king of the Bebryces, from the Argonautic cycle, described by Theocritus, Id. xxii, Apoll. Rhod. ii. etc. With the forms *Poloces*, *Polouces*, cp. Varro, L. L. v. 73, 'in Latinis litteris veteribus inscribitur . . . *Polluces* non ut nunc Pollux.' *Losna* is attached to a figure of a woman with a half moon beside her. It is evidently a form of *Lucina*, * *Lucna*, *Luna*, and is remarkable for the softened guttural, which is generally confined to Umbria. See Intr. iii. § 25, note. The significance of her presence is obscure. She was, however, connected with the Dioscuri as a goddess of the circus. Cp. the lines from Anthol., Meyer 819, 17, quoted by Preller, R. M. p. 290 n.—'Lunae biga datur semper, Solique quadriga: | Castoribus simpli rite dicantur equi.'

Eph. Ep. 19. *Aiax Ilios* is Aiax Oileus. *Leces* = leges; *Lavis* = Lais, cp. *Achivus*, *Argivus*, *Oinomavos*. *Silanus* and *ebrios* go of course together. The fable represented is obscure, and so are some of the names.

Eph. Ep. 20. *Pater poumilionom* is, naturally, a pygmy.

Eph. Ep. 21. Obs. *Apolo*, amongst a group of Latin gods, as we have already found *Hercules*. *Iovos* is a very remarkable form; *Iovis* is, however, used by Ennius (Ann. 64 V), in a list of the twelve gods.

Eph. Ep. 22. *Telis* or *Thetis* (Varro, R. R. iii. 3, 19) is here represented helping *Aiax*. Alcmena and Silenus stand by.

Eph. Ep. 23. *Luqorcos*, i. e. Lycurgus, is represented as going to kill *Pilonicos*, son of *Taseos*—an unknown fable.

Eph. Ep. 24. *Vibis Pilipus*, i. e. Vibius Philippus, is a form of name hardly explicable according to ordinary rules, unless it be a nomen and praenomen in inverted order.

C. 56. Obs. the case *Iovei*, but *upon the base of an altar* on which the god is sitting. We have generally nominatives *Iuno*, *Hercele(s)*, *Venos*, but accusatives in *Diovem* (57), *Alixentrom* (59), and *Volcanom* on coins of Aisernini, C. 20, and

one genitive, *Prosepnais* (57). The Greeks use nominative, and sometimes genitive, but never accusative.

C. 57. *Prosepnas* is now the recognised reading. On the form of the genitive see Intr. viii. § 4. It is quite isolated in early Latin.

Venos is sitting weeping. *Diovem* represents Jove holding a thunderbolt, and beneath him a little box or chest. *Prosepna* points to the chest with her finger. We may conjecture a reference to the myth of the death of Adonis, whose bones (like those of Osiris) may be supposed to be shut up in the chest.

C. 58. *Cudido* is merely a mistake for *Cupido*. So Dionysius, i. 68, misread *Penates* as *Denates*. *Vitoria* is probably *Victoria*, by a similar error or looseness of pronunciation. *C* seems to have had a very slight sound before *t*. Thus we have *quintus* for *quinctus*, *fultus* for *fulctus*, *nasturtium* for *nas-torctium*, and conversely *conctio* by mistake for *contio*. (*In conctione*, Lex Acilia, 198, 18.) It seems impossible to accept Mommsen's derivation of this name *Vitoria* from the same root as *Vitula*, a goddess of joy and victory, and *vitulari*, 'to triumph.' The suffix surely implies such a word as *vi(c)tor*, which we have no warrant for assuming in connection with the other words. *Victoria* occurs twice above C. 1500 and Eph. Ep. 21, and below C. 184. *Rit(us?)* = Θεσμός is Mommsen's conjecture, as the name for a god connected with marriage.

C. 59. This represents *Mercury*, with a petasus and winged shoes, coming to *Alexander*, who is seated, with a dog at his feet. Observe here, as elsewhere, the early identification and commixture of Greek and Latin mythology.

C. 60. This represents the horse *Ario*, created by Neptune, between two most famous horsemen, *Oenomaus* and *Bellerophon*. *Melerpanta* is curiously corrupted, like *Catamitus* for *Ganymedes*. In the Ambrosian MS. of Plautus, Bacch. 820, we find *Bellerophantes*.

ANTIQUISSIMA EX LATIO. Pp. 165, 166.

C. 61. Cp. an inscription at Tivoli, M . SCANDIVS . C . F | C . MVNATIVS . T . F | AEDILES . AERE . MVLTATICO and C. 181.

C. 62. This plate was not intended to be read on both sides, but taken down and turned the other way, and fastened against the wall at a somewhat later date, when *a* was substituted for *o*. *Her(ios)* is a rare praenomen from the same root as *herus*, *heres*, and *Herennius*. *Dede* for is *dedeit* or *dedet*, Intr. xiv. § 9.

C. 63, 64. In these we have good examples of the peculiarities of old Latin case forms, but have nothing especially remarkable. *Maurte* is evidently a middle form between *Mars* and *Mavors*; cp. *Oinomavos* for *Oinomaos*, *Lavis* for *Lais*, *etc.*

C. 65-72. The name *Turpleius*, later *Turpilius*, is a good instance (1) of loss of *i* before *l*, so *viglias*, C. 1139, cp. Tit. Mum. C. 542, where *facilia* is a dactyl, and see Corssen, ii. 548: (2) of double formation, in *-ius* and *-eius*, see above, Ep. Scip. C. 29, 1. *Turpilius* is probably from *turpis* = 'ugly,' cp. '*turpe* caput.'

C. 73. Ritschl gives a various reading of this inscription, P. L. Suppl. ii., the chief point is the conjecture '*co*RIANDO *praefuit*,' applied to the servant who was set over the adornment or colouring of the statue.

C. 74–165. Eph. Ep. 25–131. The burials of the *Praenestine Sepulchre* belong to three different ages, in all of which no *burning* seems to have been employed, though the latest probably belong to imperial times. The text is an analysis of a large series. The female praenomina are a mark of antiquity (see below, on C. 177), but all except one (*Maria*) seem intended to distinguish sisters. On *Maio*(*s*), *Mino*(*s*) see Intr. xi. § 3.

ANTIQUISSIMA EX PICENO. P. 167.

C. 167–180. The inscriptions from the sacred grove of Pisaurum, all of a votive character, are chiefly in the names of women, and put up to female divinities. Only two male names appear; those of women have, in all cases (four), praenomina, though that to no. 180 (*Nomelia*) is lost. This is itself a sign of antiquity (see on no. 117). The inscriptions exhibit further many marks of antiquity, especially in their truncated forms, viz. the *datives*, *Diane, Feronia, Loucina, Marica, Matuta* (Intr. xii. § 6); *Fide; Junone, matre, Salute,* but once *Apolenei;* the *nominatives plural*, *matrona* (twice), *Pisaurese,* and the verbal forms *dede, dedro, dedrot,* and *deda* (?). For the latter, see Intr. xvii. § 1. We find no diphthongs, except *Apolenei, dei*(*ra* ?), *deiv*(*cs* ?), *Popaio;* and no final *m* or *s*, or doubled consonants, e. g. *dono, Cesula, Tetio, Popaio, Pola,* instead of later *donum, Caesulla, Tettius, Poppaeus, Paulla.* These facts all point to a considerable antiquity, and though Pisaurum did not become a colony till V. C. 570, B.C. 184, they cannot well be *later* than the Hannibalic war.

167. *Apolenei*, with this exception the gods and goddesses here commemorated are all pure Latin. *Apollo* was probably the earliest Greek god widely worshipped in Italy. See on Eph. Ep. 21.

168. *Cesula*, later *Caesulla*, a praenomen, cp. 177; *donu*(*m*) *dat*, accusative; and this is apparently the origin of the classical *dono dare,* which was afterwards mistaken for a dative.

C. 169. *Feronia* (dative), see Preller, R. M. p. 375 foll. She was one of the native Italian goddesses whose cult was most widely spread, from Verona to Terracina. She appears in Vergil as mother of King Erulus (Aen. viii. 564)—

'Nascenti cui tres animas *Feronia* mater—
Horrendum dictu—dederat, terna arma movenda;
Ter leto sternendus erat.'

She seems to have been a goddess of spring and of freedom, and as such is represented (on coins of the gentes Plaetoria and Petronia) as a young maiden crowned with flowers. She was also a patron of freed-men, and in her temple, near Terracina, by the spring which Horace mentions (Sat. I. v. 24), was a bench with the inscription (Serv. ad Aen. l. c.)

'benemeriti servi sedeant, surgent liberi.'

Sta(*tius*), it will be observed, is generally a *slave's* praenomen. *Tetio* = *Tettios.*

C. 171. *Iuno*(*ne*) *Loucina.* See Preller, R. M. p. 242 foll. Juno Lucina corresponds to Jupiter Lucetius, and, as such, was worshipped upon all the Kalends

as he upon the Ides. Her great day was the first of March, the beginning of the old year (Matronalia). The name is only a longer form of *Luna*; her principal prerogative was that of helping women in child-birth, and giving fertility to parents.

C. 172. *Iunone Reginai*, or *Reginae*). Preller, p. 253. This is the name for the heavenly goddess, consort of Jupiter Rex, and worshipped with him on the Capitol. It was her geese that saved Rome from the Gauls, as Lucretius says (iv. 684).

'humanum longe praesentit odorem
Romulidarum arcis servator, candidus anser.'

She was also worshipped on the Aventine, and we have several accounts of processions and costly offerings in her honour made by the Roman matrons (Liv. iv. 22, xxvii. 37).

C. 173. *Matrona* = matrona e(i), or matrona(s)? Intr. viii. § 9. *Pisaurese*, id. iii. § 19; *dedrot*, ibid.

C. 174. *Lebro* for *Leibero*.

C. 175. *Marica*. See Preller, p. 363. The best known seat of her worship was at Minturnae on the Liris (Hor. III. Od. xvii. 7). She was considered identical with Circe, and wife of Faunus, and mother of Latinus.

C. 176. *Matre Matut(a)*. See Preller, p. 285. She was, as her name implies, goddess of the early morning, cp. *mane*, *maturus*, *matutinus*. Hence Lucretius (v. 654) uses the name for Aurora—

'Tempore item certo roseam *Matuta* per oras
Aetheris auroram differt et lumina pandit.'

With this attribute was naturally connected that of presiding over birth, and her festival, on July 11th, was called the *Matralia*. She was also identified, in later times, with the sea-goddess Leucothea, and her son *Portunus*, with Palaemon, or Melicertes.

C. 177. *M*. (*not* M as it is printed by mistake) *Caria*, *Pola Liria* appear to be two (not four) names of matrons with praenomina, in the old fashioned style. The first, *Mania*, is mentioned by Varro, together with *Lucia* and *Postuma*, as well as *Secunda*, *Tertia*, and *Quarta* (L. L. ix. 38, 61). It is read doubtfully below, no 867. *Pola*, or *Paulla*, is not uncommon, as *Pola* Aponia, 1303, and *Pola* Ablese, 1313; (*P*)*aulla* Cornelia, 39 (El. Scip.), and cp. 952, 1155, 1555. Besides *Cesula*, 168, and those from the Praenestine Sepulchre above, we have *Dindia* Macolnia, no. 54, (*Lu*)*cia* Pacia, 194, and a number of others in inscriptions of the republic. Such are *Agria*, *Dercina*, *Garia*, *Himinis*, 982, *Marta*, 981, *Maxuma* or *Maxsuma*, *Philomena*, *Posilla*, *Rutila*, *Prima*, *Secunda*, *Tertia*, *Quarta*. This rather large number of female praenomina is further increased by a grammarian, who says, 'Antiquarum mulierum frequenti in usu praenomina fuerunt *Rutila*, *Caesellia*, *Rodacilla*, *Murrula*, *Burra* a colore ducta. Illa praenomina a viris tracta sunt, *Gaia*, *Lucia*, *Publia*, *Numeria*' (Auct. de Praen. 7; below, p. 382.) These references shew that women were in early times at least as free as men in respect of personal names. On the other hand, under the republic they seem never to have used cognomina, which were assumed at

pleasure to any extent by men, and in the later times of the republic noble women at least were designated simply by their father's gentile name. About the same time, however, another fashion crept in, of putting their personal name or praenomen *after* their gentile name, sometimes the feminine of their father's cognomen, e.g. Caecilia *Metella,* one of the earliest; sometimes an ordinary praenomen, e.g. Junia *Tertia,* or *Tertulla* (Macrob. S. ii. 2, 5), Arricidia *Tertulla* (Suet. Tit. 4), Vespasia *Polla* (id. Vesp. 1); sometimes, in later times, the gentile names of both father and mother, e.g. Orell. Inscr. 2749, *Valeria Attia*, daughter of S. *Attius* Atticus and *Valeria* Sextina. (See more in Marquardt, vol. v., Privat Alterthümer, p. 19 foll.)

For *deda* see Intr. xvii. § 1. It can hardly be anything but a verb. Corssen's conjecture, that it is for *Didia*, or something of the sort, is very improbable, considering the use of praenomina in these monuments. He reads wrongly MVCVRIA as one word. It will be observed, however, that an *initial* for a female praenomen is rare.

C. 178. The *deiv*(*i*) *nove sede*(*s*), *Novensides,* or *Novensiles*, appear to mean the 'newly-settled gods,' opposed to the 'dii Indigetes,' or θεοὶ ἐγχώριοι. According to Livy, viii. 9, (given below, p. 284) they were invoked in the following conjunction by the Pontifex at the devotion of Decius, 'Iane, Iupiter, Mars Pater, Quirinus, Bellona, Lares, *Divi Novensiles*, *Divi Indigetes,* Divi quorum est potestas nostrorum hostiumque, Diique Manes vos precor . . .' The Romans considered them as introduced from the Sabines, together with Minerva and Feronia (Varro, L. L. v. 74). The origin of such a worship would be the superstitious desire to be on good terms with every divine power known or unknown, and to omit none in invocation. The same idea is expressed by the formula *si deus, si dea es* (Cato R. R. 139, p. 335), by the *semunis invocapit conctos* of the Carmen Arvale, and by the choice of names constantly given to a god or goddess, e.g. in the *devotio*, C. 231, Catull. 34, 21, Hor. Carm. Saec. 15, etc., etc. A similar idea is prevalent in Greek religion; cp. also the θεοὶ ἄγνωστοι and commentators on Acts xvii. 23.

The name is found in one or two other inscriptions, e. g. Fabretti 2742 *bis*, cp. Mommsen, Unt. Dial. p. 339, from the Fucine Lake, IISOS | NOVII SII DII | PIISCO . . PACRII, i. e. 'Novesede(bus) postulatis (?) pacatis,' or 'Novesedi sacrum paciferum;' but always with a *d*. The interchange of *d* and *l* is seen again in consilium, from the same root; cp. *dingua* and *lingua*, δάκρυ, *dacrima*, and *lacruma*, *odor*, etc. and *olere*, *uligo* for **udigo*, etc. (Corssen, i. 223 foll.) The form of the word is like that of *prae-sides, re-sides, de-sides;* the case here is probably the dative for *Deiv*(*eis*) *Novesede*(*bus*). Others make it *novesede*(*is*) or, in this dialect, *Deiv*(*es*) *novesede*(*s*).

ANTIQUISSIMA EX MARSIS. P. 168.

C. 182. *V*(*alesus*) is the praenomen from which the gentile name *Valesius* or *Valerius* is formed, cp. 187. It is probably of the same origin as the names *Volesus, Volero,* and even *Volsci.*

Vesuna is a goddess of whom we know little. It may be conjectured that she is the same as *Feronia*, and her name might be connected with that of the

city of Verona. It is found appended to that of Puemunus on the Iguvine tables. The following inscription has been found at Antinum, near the Fucine lake, in the Volscian dialect (Momms. Unt. Dial. p. 321. Fabretti, 2740):—

PA . VI . PACVIES . MEDIS i. e.	Pa(cuius) Vi(bius) Pacuii(f.)
VESVNE . DVNOM . DED	Meddix | Vesunae donum
CA . CVMNIOS . CETVR	dedi cat (cymbos?) quattuor.

Of *Erina* and *Erinia* we know nothing. The first appears to be from an *a* stem (cp. *Dianae*, *Victoriae*, etc.), but Corssen would bring it into the consonantal declension (i. 581 note). See Fabretti s. v. and cp. *Herennius*, etc.

C. 183. In this inscription we observe a curious tendency to *e* sounds, in *vecos*, (*Queistores*, *Seinq(ue)*), *dedet*, *mereto*. In accordance with this, we may probably explain *Seinq(ue)* as connected with *Sancus*, *Sanqualis*, and *Sanctus*.

Lubs = lubens, cp. *libs*, *libes*; for the omission of *n*, see Intr. iii. § 19. The loss of the final vowel must be explained by the influence of accent. *Magios*, an Italian gentile name, seems to be formed from a praenomen *Magus* (Verg. Aen. x. 521), a simpler form of *magnus*, Greek μέγας. *Pac(uius)* is here a praenomen, as in the inscription from Antinum.

ANTIQUISSIMA LOCORUM VARIORUM. Pp. 168, 169.

C. 185, 186 (*not* 185 as printed p. 169). The *quaestors* here must be compared with those of Firmum, C. 181, and with the Roman *tresviri sacris conquirendis donisque persignandis* (Liv. xxv. 7), etc. They must have had the power of consulting the (local) senate, who decided that a certain spot (*locom*, 186) was either *sacer* or *publicus*, i. e. pretty much the same thing. (Cp. Liv. xxv. 1, in *publico sacrove* loco.) The form *senatu d* (the lacuna is blank) may possibly be an error for *senatuo(m)*, as in S. C. de Bac. 196, 15, *d* stands for *o*, but analogy, says Mommsen, is for *senatuem*.

C. 187. *pars Apolenes*, or *Apollinis*, must be explained on the analogy of *pars Herculea*. *Parti(m)*, an accus., as in the adverb. *Dederi* is an isolated form for *dedere*.

C. 188. The first word would be something like (*Nu*)*misio*, but is quite uncertain. Obs. the freedman has a Roman praenomen, which does not accord with Mommsen's statement, Röm. Forsch. p. 30.

C. 194. This and the next are interesting, as containing the most archaic forms of the dative of the *o* declension, exactly like the Greek, i. e. *suois cnatois* and *Iovois Puclois*. They are properly not Latin, but of the dialect of the Frentani. The first cannot be wholly made out. I have ventured to supply [*inom Cu*]*brais*, though only one *dea Cupra*, i. e. 'Dea Bona,' worshipped on the coast of Picenum, is known (Preller, p. 249). *Inom* = et, cp. Latin *enim*, etc. *Sefi* = sibi. The rest I cannot explain. The obscure word *brat* occurs in an Oscan inscription like this, *T. Vetio* | *duno* | *didet* | *Herclo* | *Iovio* | *brat* | *data*, found in the Paelignian country (Eph. Epigr. i. p. 32).

Add. p. 555. In Latin this inscription would probably run—

St(atius) Ponteius | *N(ovius?) Ponteius* | *V(alesus) Alpius* | *Tr(ebius) Apidius* | *Joviis* | *Poculis statuerunt* . . . . See Corssen, Annali del Inst. Arch. xxxviii. p. 113–118 (1868), and for *Iovios Puclois,* Vok. i. p. 274. *Ponties* evidently is another form of *Ponteius, Pontius, Pompeius,* just as *Alpis* of *Albius, Alpheius.*

P. L. Suppl. ii. p. 12 (C. 189 has only the first words). The *castus,* or 'fast' of Jove, is elsewhere unknown, except, perhaps, as inferred from statements about the Flamen Dialis, Gell. N. A. x. 15, 'Caerimoniae impositae flamini Diali multae, item *castus* multiplices,' etc. The *castus* of Ceres (Dionys. Hal. i. 33, Liv. xxxvi. 37), and of the Great Mother, is well known. Cp. Naev. Punica, 5, for the nature of such *castus.* Mommsen now explains it, however, as $=$ *Iunoni Lucinae Iovis (coniugi). Caste facito!* (Wilmanns, no. 35, as if from C. vi. 357, at present unpublished.)

COLUMNA ROSTRATA. P. 170.

C. Duilii Cos. A. U. C. 494.

C. 195. The following inscription, on a stone of Parian marble, now preserved in the Capitol, was found in 1566 in the forum close to the arch of Septimius Severus. The original no doubt formed part of the column set up by the Roman people in honour of C. Duilius, cos. U. C. 494, and adorned with the beaks of ships captured by him at sea. Pliny mentions it (H. N. 34, 5, 20) in company with the two set up to C. Maenius, about eighty years before, 'item C. Duillio qui primus navalem triumphum egit de Poenis quae est etiam nunc in foro.' Quintilian observes the *d* at the end of many words upon it (Inst. i. 7, 12).

Criticism of the restored Inscription.

The inscription in its present form is confessedly of a late date. This is proved by the forms of the letters, which can hardly be of the age of the republic. The long I in MARĪD, for instance, was not used before the times of Sulla. But it is more difficult to decide whether the words themselves are old, or (as Ritschl and Mommsen suppose) the inscription is one set up, or restored with affected archaisms, by antiquarians of the time of Claudius. The opinion of such experts is of great weight, and is, at any rate, sufficient to throw doubt upon the inscription as a prime authority on points of language. On the other hand, Quintilian (l. c.) seems to quote it, without any hesitation, as a monument of early Latin.

M. remarks that the inscription, besides being generally badly expressed, has not the simplicity and brevity of the ancient language, and has characteristics which are unlike the writing of the fifth century. For instance, *s* and *m*, at the end of words, are never omitted in it; *c* is used instead of *g*, which was the case in the XII. Tables, but not at this time, and *in* or *en* is found where we should expect *endo.* But the second and third points of criticism seem doubtful. *G* is certainly found in the epitaph of Scipio Barbatus, who may be supposed to have died about the same date as the victory of Duilius. But the actual date of that inscription is, as we have seen, probably later than the date

of the burial of the Scipio whom it commemorates. Nor is it likely, from the analogy of the employment of other letters, that *g* came into general use at once.

Endo does not, I believe, occur anywhere in inscriptions except in the form *endotercisus* (dies), in the Calendars. The earliest known use of *in* with the ablative is in the fourth epitaph of the Scipios (subject and date uncertain), 'Quibus sei in longa licuiset tibe utier vita,' etc., so that evidence is really wanting on point.

The danger of arguing from small peculiarities of language is shown by comparing the Decree of Aemilius Paulus with the nearly contemporary S. C. de Bacch., both undoubtedly genuine, while the later in date is the most archaic of the two. Mommsen further compares the titulus of L. Aemilius for his victory over K. Antiochus, in Liv. xl. 52, as perhaps the model from which this is imitated; but it is evident that the imitation might have been the other way. The titulus, as given in the text of Livy, is extremely corrupt. We find in it, however, the similar expressions, 'naves longae cum omnibus sociis captae LXII,' and 'inspectante ipso Antiocho.' From the phrase *pucnandod cepet*, l. 5, compared with Sallust, Hist. i. 75, 'et Diponem validam urbem multos dies restantem pugnando vicit.' R.'s emendation of Ep. Scip. iii, 'Hec cepit Corsica Aleriaque urbe [pucnandod],' seems to be drawn.

The following are the chief archaisms of the inscription which are consistently observed :—

C for *g* in *leciones, macistratos, exfociont, pucnandod, ceset, Cartaciniensis.*

D in the ablative, (*opsidione*)*d*, *pucnandod, macistratud, in altod marid, Hanibaled dictatored, navaled praedad.*

et for *it*, *exemet, ceset, ornavet*, etc.

O for *u* in terminations, *macistratos, consol, primos, captom ;* cp. *exfociont.*

Single instead of double consonants, *clases, ceset, numei. Navebos, navebous* for *navibus, triresmos* for *triremes.*

On the other hand, we have the following inconsistencies and modernisms :—

(1) No final consonants are dropped.

(2) The variations *clases, classis, Cartaciniensis, naveis; maximos, maxumas; navebos, navebous.*

(3) *praeda* for *praida.*

(4) *numei*, nom., where we should expect genitive.

On the whole we shall not, I think, do wrong in concluding that the archaisms are real archaisms, but that it was not restored with sufficient accuracy, and that so modernisms were introduced. If it had been really the work of an *antiquary* of the time of Claudius, we should certainly have had *praida*, instead of *praeda*, as the diphthong *ai* was then used freely, even in contemporary inscriptions. It is much more like the work of a careless, than of a learned, restorer.

Data for its modern Restoration.

The principal historical authorities on which the supplements of the inscription are based are as follows : —

Polyb. i. 24. After the battle of Mylae, the Romans προσχόντες τῇ Σικελίᾳ

τήν τε Αἰγεστέων ἔλυσαν πολιορκίαν ἐσχάτως αὐτῶν ἤδη διακειμένων· κατά τε τὴν ἐκ τῆς Αἰγέστης ἀναχώρησιν Μάκελλαν πόλιν κατὰ κράτος εἷλον.

Fast. Triumph. 'C. Duilius M. f. M. n. cos. primus navalem de Siculeis et classe Poenica egit an. CDXCIII k. intercalar.'

Tacit. Ann. ii. 49. 'C. Duilius primus rem Romanam prospere mari gessit triumphumque navalem de Poenis meruit.'

Oros. iv. 7. 'Hannibal amissa navi qua vehebatur scapha subductus aufugit: triginta et una naves eius captae, tredecim mersae, tria milia hominum occisa, septem milia capta referuntur.'

1. The first success is the raising of the siege of *Segesta*. The Carthaginian legions and their commander (*macistratos* = magistratus) beat a retreat (*exfociont* = ecfugiunt) in broad daylight. *L(uci palam)*, a common formula, e. g. Lex Bant. 197, 17, 'pro aede Castorus *palam luci*,' and ib. 24; and Vergil, Aen. ix. 153, says Turnus, '*Luce palam* certum est igni circumdare muros.' On the form *luci*, see Intr. x. § 16. *Palam*, on the surface; cp. *ἐπι-πόλ-αιος*, *Ἐπι-πολαί*.

8. *navebous*. Intr. x. § 22.

10. *olorom*. Intr. xiii. § 6. *Inaltod*, in one word, cp. *ingremiu(m)*, C. 33, 6, Ep. Scip. iii., and the next inscription, line 8.

11. *cum socieis*, 'with their crews;' elsewhere 'socii navales.'

12. *triresmos*. *Resmus* = rēmus, cf. *ἐρετμός*; the *t* appears in Latin *ratis*. Cp. *dumus* for *dusmus* (*δασ-ύς*), *Camena* for *Casmena*, etc. Notice also the form in *-os*, beside that in *-is*: so we have *exanimis* and *exanimus*; *inermis* and *inermus*; *necessis* and *necessus*; see below, S. C. de Bacch. l. 4.

13. *numei*, we should here expect *nummum*, the genitive. It is doubtful whether this is to be looked upon as an archaic coordination for subordination, i.e. a case in apposition for a dependent genitive, or whether it is an unskilful alteration.

14. The words *arcentom captom*, *praeda*, mean 'the silver money that was taken, and the silver obtained by the sale of the booty.' This, with the *aurom* mentioned above, make up the *omne captom*, which was reduced into *aes*. The Romans only carried gold and silver in their triumphs, not copper. The booty was sold by the quaestors 'sub hasta,' for the purpose of reducing it to a common measure, and then dividing it among the soldiers; and hence, I should suggest, we must draw the etymology of 'sector,' 'a broker' or 'purchaser' at such an auction.

15. [*omne*] *captom*, *aes* (*plus vicies semel*). So Liv. xlv. 40, 'summam omnis captivi auri argentique translati sestertium milies ducenties fuisse Valerius Antias tradit.'

ↀ is the Greek *φ*, used as a sign for 1,000, and generally changed to M from the influence of M(ille). Cp. Introd. ii. § 6. Every half-circle introduced into it multiplies it by 10. Thus ↂ = 10,000, 'decem milia,' ↈ (as in lines 14 foll.) = 100,000, 'centum milia,' the ordinary unit in calculating large sums in sesterces. Thus *plus vicies semel*, in the lower text, means that there are twenty-one of these signs, as well as two which are apparently halves, and space for a good many more.

ↂ is often written CCIƆƆ, and ↈ CCCIƆƆƆ. D = 500 is simply half ↀ.

Similarly ↁ, or IƆƆ = 5,000, and ↇ, or IƆƆƆ = 50,000, as in Lex Iulia Mun. 19.

INSCRIPTIONES A BELLO HANNIBALICO AD C. CAESARIS MORTEM.

PARS PRIOR.

INSTRUMENTA PUBLICA POPULI ROMANI.

DECRETUM L. AEMILII PAULI. P. 171.

C. ii. 5041. There can be no doubt that the author of this decree was *L. Aemilius Paulus*, the conqueror of Perseus at Pydna, the greatest of the Aemilii, son of the consul at Cannae whom Horace describes,

'animaeque magnae
Prodigum Poeno superante Paulum,'

and father of two distinguished sons adopted into two other families, Scipio Africanus Minor, the destroyer of Carthage and Numantia, and Q. Fabius Maximus, the pupil and patron of Polybius. (See more on Aemilius Paulus, under *Oratorum Fragmenta*, below, p. 351, and the life in Plutarch.)

This decree belongs to the earlier period of his life, when he served in Spain, after his praetorship, V. C. 563 (Liv. xxv. 24, xxxv. 2). At first he was unsuccessful, but in 565, 'prius aliquanto quam successor veniret, L. Aemilius Paulus, qui postea regem Persea magna gloria vicit, cum priore anno haud prospere rem gessisset tumultuario exercitu collecto signis collatis cum Lusitanis pugnavit; fusi fugatique hostes, caesa decem octo milia armatorum, duo milia trecenti capti et castra expugnata. Huius victoriae fama tranquilliores in Hispania res fecit.' Liv. xxxvii. 57. It was in consequence of this victory, no doubt, that he was named *imperator*, as again twice for his victories over the Ligurians and Perseus. Hence we get PAVLLVS . TER (sc. Imperator) on a denarius of a descendant, about V. C. 700.

The substance of the decree is to liberate a subordinate community living in the *Turris Lascutana* from service to their neighbours at *Hasta*, or *Asta Regia*. We are not, of course, to understand personal slavery by *servi*. The manner of making a decree, and the ratification, *dum populus Senatusque R. vellet*, is somewhat obscure.

As to the language and grammar, this decree, though three years earlier than the Bacchanalian Decree, is less archaic. We find doubled consonants the rule, *turri, essent, oppidum, possidere, vellet*, single the exception, as *posedisent*. The ablatives are without final *-d*. On the other hand, we find *-ei* for *-ī*, generally,

and only once *turri*. Further, we notice two curious misspellings, *Inpeirator* and *decreivit*. Of the first, we can offer no explanation, except that of carelessness. *Decreivit* is less strange, as we find a later Latin form *decrīvi* (Schuch. i. 263, 264). *Pleibes*, also, is found for *plebes*. (See Corssen, ii. 291, 331.)

The inscription is remarkable as being quite complete; the *e* of *oppidumque* being merely omitted for want of space, and *poplus* being a regular form for *populus*. The *l* is throughout pointed, the *p* is not quite square, but yet in no case completed: the other letters have little to distinguish them, but are perfect and well shaped.

1. *L. Aimilius L. f.* This designation, without cognomen, is the proper one on a legal document of this age, cp. the next decree; and so in the Agrarian Law, 200, C. Gracchus is always called *C. Sempronius Ti. f.* Cognomina are added, however, in the Fasti Capitolini put up in the reign of Tiberius.

7. *iousit.* When the *ou* becomes *u*, the *s* is doubled, not before; hence this cannot be cited as an instance of single for double consonants.

8. *incastreis*, preposition and case conjoined, see Col. Rostr. v. 10, etc. So often, even when it is not so printed, e.g. Lex Rubria, *inGallia*, 7, *inea*, 21, 32, *inalbo*, 25, *iniure*, etc., etc.

9. The date, A.D. XII. K. FEBR. is the 19th of January, according to the old calendar (not the 21st), as January had only twenty-nine days before the Julian calendar, instead of thirty-one. On the importance of observing this distinction, see Lange, Röm. Alt. vol. iii. pref. p. 9.

SENATUS CONSULTUM DE BACCHANALIBUS.

Pp. 172, 173.

C. 196. The origin and circumstances of this decree are given by Livy at great length, xxxix. 8–18. The story of P. Aebutius and his mistress, Hispala Fecenia, leading to the discovery to the consuls of the secret orgies, villanies, and conspiracies of the initiated, is told as Livy can tell it, and is one of the most interesting episodes in his history.

The text of Livy contains several modernised phrases from the decree, which prove that this is substantially the same as the one he refers to. It is not, however, absolutely in the form of a *Senatus Consultum*, or rather one or two technicalities are omitted, so that some scholars prefer to call it *Epistula Consulum ad Teuranos*.

Form of making a Senatus Consultum.

It may be in place here to give some account of the manner and formalities with which such decrees were passed and written down. (See especially the passage of Varro, pp. 374 375, and for modern writers Lange, Röm. Alt. §§ 114, 115, ii. pp. 375–392, and cp. Rudorff, Röm. Rechts Gesch. i. p. 106 foll.)

The magistrate who summoned the senate, and who had the presidency of it—generally the consul or consuls—was said, *referre ad senatum*, to lay a matter before the senate. It was, in fact, the theory of the senate, that it was the body of wise men *consulted* by the chief magistrate. After his question had

been disposed of, other magistrates present had the *ius referendi*. The magistrate began his relatio with the formula, 'Quod bonum felix faustum fortunatumque sit populo Romano Quiritium referimus ad vos patres conscripti,' etc. This was also called *senatum consulere*, and his speech (as well as that of other senators) *verba facere*. In his speech the president might or might not give an outline of what he wished the decision to be. If the matter was a simple one he asked for a division upon it (*discessio*), if not, he took the opinions all round in regular order (*per sententias exquisitas*). If a senator thought the president was wrong in asking merely for a discessio, he called out *consule*. The president asked for opinions in order (*gradatim*, *ordine*) and by name, *Dic Sp. Postumi* or *dic M. Tulli, de ea re quid fieri placet, quid videtur* or *quid censes?* The order of giving votes is not exactly known, but apparently the president first asked the *princeps Senatus*, i.e. 'qui princeps in senatum lectus esset' (see esp. Liv. xxvii. 11), unless *consules designati* were present, an exception probably introduced about B.C. 153. In the time of Varro, however, the president might ask whom he chose first (cp. Varro, l. c. p. 374 with Cic. Philip. v. ad init., and Mr. King's note). Then he took the votes of the *consulares*, *praetorii*, *aedilicii*, etc. Senators who did not speak were called *pedarii*, as they would only take part in a division (*pedibus ire in sententiam*); but it does not seem at all certain that they were forbidden to speak, or that they were any more a separate class than the 'silent members' of our own Parliament. As a rule the *pedarii* would be senators who had held no office. When a *sententia* was generally approved, senators clustered round the speaker in token of approval (*pedibus ire in sententiam*), or they could *verbo adsentiri* sitting. They stood to give their opinion (*sententiam dicere*), which might be a long speech, such as several of Cicero's Philippics, but always ended with some such formula as '*quod retulisti ad senatum .. de ea re ita censeo*,' etc.; and if they chose they might present a written form of decree (*sententia scripta*), which they proposed. They might go quite beyond the question in hand (*egredi relationem*), just as Cato the censor did, when he ended every speech 'ceterum censeo delendam esse Carthaginem.' So, again, Cicero's seventh Philippic only touches the *relationes* in two or three lines. At the end of a debate the president summed up, and took a division on the different *sententiae* in the order he thought right. All senators voted *except the magistrates*, the president calling upon them with the formula '*qui hoc censetis illuc transite, qui alia omnia in hanc partem*,' or words to that effect. If no *sententia* obtained an absolute majority, they were put again till one did so. After the *relatio* or *relationes* were over, the president dismissed the senate with the words '*nihil vos moramur patres conscripti*.'

A *sententia* which thus obtained a majority, if no tribune interposed a veto, became a *Senatus Consultum*; if there was a veto it was called *Senatus auctoritas*. *Senatus decretum* implies the matter, as opposed to the document *Senatus Consultum*. After the session the president had the decree written down, rarely before the meeting was dismissed, in the presence of witnesses, of whom it was said that they *scribendo adfuerunt*. They vary in number: thus we find two, three, seven, eight, and even eleven and twelve. The rules observed in writing down a decree seem

to be as follows. First stand the names of the consuls, the date and place of the session; then the names of the witnesses; then the question proposed and the magistrate who made the relatio, e. g. 'Quod M. Marcellus consul verba fecit de provinciis consularibus de ea re ita censuerunt.' At the end of a *Senatus Consultum* appeared the letter C, i. e. Censuere; at the end of an *auctoritas* the record of the tribune or tribunes who interposed, e. g. Cic. ad Fam. viii. 8, 6 sqq. The letters *T(ribuni)* and *I(ntercessit) N(emo)* are not found usually at the end of Scta, but *i. n.* follows one in the same letter, § 5. Decrees were brought into the aerarium, and placed under care of the quaestors.

The only necessary technicality omitted here, seems to be '*quod .. verba fecit*,' etc. at the beginning of the decree proper.

It may be noticed that the municipal senates adopted the same form at the beginning of their decrees, e. g. in the Decretum Coloniae Pisanae, v. c. 755, Wilmanns, 883, Orell. 642 . . . *a.* d. XIII k. Octobr. Pisis in foro in Augusteo. Scrib. adfuer. Q. Petillius Q. f. (and five others, four with cognomina). Quod C. Canius C. f. Saturninus II vir. v. f. de augendis honoribus L. Caesaris, Augusti Caesaris, etc. . . q. d. e. r. f. p. d. e. r. i. c. etc.

Archaisms of the Inscription.

(1) No case of a doubled consonant is found.

(2) *-d* is found in the ablative case in every case except the last words *in agro Teurano*, which were perhaps added by a different hand. Notice also a paragogic *-d* in *sed* and *ead*.

(3) The archaic diphthongs are generally preserved, as *ai* in *Duelonai, haice, aiquom, tabelai datai*; *ei* in *exdeicendum, utei, virei, sei*; *oi* in *foideratei, comoinem, oinvorsei*; *ou* in *plous, iousiset, ioubeatis, coniourare*. But we have *aedem*, and the genitives of the *o* decl. in *i*, *Latini, urbani, sacri*, as well as *nequis, ne*.

(4) The genitives *nominus, senatuos*; nom. pl. *ques, ceis*; the verbal forms *adiese, adieset* for *adiisse*, etc.; *figier, gnoscier*, etc.

On the other hand we notice the following modernisms.

Termination in *-us* instead of *-os*, *Postumius, Romanus*; and gen. *u* for *o*, as in later times; but *tabolam*.

These variations in spelling are also noticeable: *consoluerunt* by *cosoleretur* (twice) and *coventionid*; *ques, quei* (but see note); *quisquam* and *quiquam*; *senatorbus, senatoribus* (twice); *neiquis, nequis*.

There are also the following errors on the brass. Line 3. *Sacanal* for *Bacanal*; 5. *utra* for *verba*; 6. *quom e* is omitted on the brass; 9. *iousisent* for *iousiset*; 12. *magistratuo*; 15. *dquoltod*; in both of which *d* and *o* are confused.

2. *Dueolonai* = Bellonae. This temple was founded by the great Appius Claudius, after a vow made v. c. 458. It was close to the Campus.

arf(uerunt); so *arfuise*, 21. Cp. *arvorsum*, 21; see Introd. iv. § 29.

2, 3. *De Bacanalibus quei foideratei esent* seems to mean, 'Decreed that an edict to the following effect about the Bacchanalia should be communicated to those in league with Rome.'

Obs. *quei*, *i.e.* with the antecedent omitted, as is very frequently the case in legal documents.

3. *velet* = vellet; so *adiese* = adiisse.

Ques and *eeis*, nominatives pl. See Introd. xiii. § 34. *Ques* is used *here* apparently with an idea of distinguishing the indefinite from the definite *quei*.

4. *necesus* is evidently a nominative case masc. (Corssen unnecessarily makes it neuter) used indeclinably with the substantive verb, just as *potis* is. It is indifferent whether you say *necessus est* or *necessum est*, just as you may say either *potis est* or *pote est*. There is further an adjective of the *i* form, *necessis*, neut. *necesse*; cp. *exanimus* and *exanimis*, etc. *Necessis* is very rare, but occurs in Lucr. vi. 815. The derivation of the word appears to be *ne* and *ced*-ere. Cp. *successus*, etc. Corssen, ii. 238, Kr. Nachtr. 272. *eeis*, nom. pl.; Introd. xiii. § 34.

7. *nominus*, gen., Introd. x. § 13; *socium*, gen. pl., Introd. ix. § 10.

adiese, the vowel in this verb varies frequently between *e*, *i*, *ei*. *I* is no doubt the proper vowel, but it is constantly changed for the sake of euphony, as here, to prevent two *i*'s concurring.

8. *senatuos* beside *nominus*, shows that the preservation of the archaic *o* here is for the sake of euphony. Cp. *equos*, *quom*, *volgus*, to avoid the concurrence of two *u*'s. The form in *-u-us* is, however, sometimes found later. Introd. ix. § 14.

10. *Sacerdos nequis vir esct*, as properly this was confined to *women*. Liv. xxxix. 13, 'primo sacrarium id feminarum fuisse nec quemquam virum eo admitti solitum . . . sacerdotes invicem matronas creari solitas.' It was a Greek priest who had introduced the worship into Etruria, and then into the neighbourhood of Rome. The office of *magister* was forbidden to exist, as this implied the possibility of a collegium or guild; hence also the prohibition of having *pecunia comoinis*, which was one of the regular circumstances of such an association. The *sacerdos* and the *magister* are related, as the *flamen* and *magister* of the Arvals.

13. *post hac* = post haec, Introd. ix. § 8, xiii. § 35.

inter sed, Introd. xii. § 5. Cp. *ead*, line 24.

15. *oquoltod* = occulto. The root *cal* is very widely diffused in *καλύπτω*, *καλία*, *ἐπικύλιον*, *callim* (= clam), *cēl-o*, *super-cil-ium*, *culeus*, etc.

16. *exstrad*, so 28, and *suprad*, 21, 29; both are ablative forms. *xs* for *x* is here found for the first time in inscriptions.

19. *Homines plous V*, etc. *Homines*, 'persons,' is in loose apposition with *quisquam*, 'Not more than five persons altogether, men and women.'

ne quisquam is a rather awkward repetition of the same phrase that we find l. 15.

20. *inter ibei* = interibi. Observe the slight change of construction, '*virei* . . . *mulieribus*.' The latter falls into the case of *duobus* and *tribus*, between which it comes.

22. *Haice* = ha-*i*-ce; n. pl., the *i* being merely the prosthetic pronominal *i*; in the feminine *hai* or *hai-c*, it is part of the regular *a* declension. Introd. xiii. §§ 1, 16, etc.

In coventionid = in contione. Thus *noundinae*, *nundinae* = novendinae; *iunior*, *iunix*, cp. *iuvenis*, *iuvencus*. There is no trace of another derivation, and the spelling *concio* is quite wrong, though it is found even in a standard book like Rudorff, R. R. G. On *conctio* see above, C. 58. The act of summoning the people to such an assembly was called indifferently *vocare ad conventionem* and *vocare ad*

contionem, etc. (cp. Varro, L. L. vii. 87, 91; pp. 366, 367). They were of two kinds, those that immediately preceded a vote of the people in the comitia tributa or centuriata, and those more ordinarily called *contiones*, which were assemblies of the people called by a magistrate to listen to harangues, in which, however, they did not appear in tribes or classes (but *fuse*), and came to no vote. Every magistrate had the right to summon a *contio*, and they could be held on *dies nefasti* as well as *fasti*, but necessarily in the daytime. The term is of course applied also to the speech that was delivered, and such were the second and third of Cicero's orations against Catiline, and the fourth and sixth Philippics.

Here the word seems to be used in much the same sense as at Rome. A *contio* could also be summoned by a public priest (Fest. Ep. p. 38; see on Lex Reg. 9.)

ne minus trinum noundinum, 'for not less than three market-days.' So a new law had to be exposed to public view between three market-days; *promulgatio trinum nundinum*. Cp. Cic. Phil. v. 3, 8. *Noundinum, nondinum*, or *nundinum*, is properly the gen. pl. of *nundinae* (*novemdinae*), just as *sestertium* of *sestertius*. It is here apparently a neuter accusative agreeing with *trinum*. The two expressions are not exactly parallel, as here the *contiones* must be on three successive market-days, the *promulgatio* must be on three, and the space between them. In both, however, speaking grammatically, we seem to have an accusative of the duration of time. For other legal usages connected with *nundinae* see XII Tab. iii. 5, 6, and notes on the Calendar, p. 266.

24. *arvorsum ead*. Ritschl takes this for an ablative, by an anomalous use of the preposition; but then he makes *posthac, postea* also ablatives. For the same reason he reads *adversus hac* in the Lex Silia, q. v. p. 273. (Neue Plaut. Exc. Auslautendes *d*, § 25.) The *d* may just as well be added by false analogy, as it is in *med, sed;* and *posthac, postea*, are probably accusatives.

25. *rem caputalem*, will be held to involve natural or civil death.

27. *figier, gnoscier*. Introd. xix. 5. *facilumed* = facillime, an ablative form. *potisit* = potis sit, possit.

28. *exstrad quam*, etc. Liv. xxxix. 18, 'datum deinde consulibus negotium est, ut omnia Bacchanalia Romae primum, deinde per totam Italiam diruerent extra quam si qua ibi vetusta ara aut signum consecratum esset.'

30. *in agro Teurano*. Mommsen considers these words to have been added by another clerk in larger characters, as a direction, as it were, to the tabellarius. He evidently considers this to be the actual document sent from Rome; but is it not rather the '*tabola ahena*' which the Teurani were directed to cut and fix up?

LEX INCERTA REPERTA BANTIAE. Pp. 173–175.

C. 197. The fragments of this law are so general in their application, that it is impossible to say exactly what its subject was, or to define its relation to the Oscan or Romano-Oscan fragments on the other side. What we have relates to the punishment of any magistrate for non-observance of the law, and to the oath to be taken that they will perform its provisions. On this Mommsen remarks, 'Commode . . . haec referuntur ad foedus—foedus enim cum quotannis recitaretur

(C. I. Gr. 2485. v. 14) ius iurandum quoque quotannis recte renovari potuit; denique foedere magistratus praecipue tenebantur—neque tamen quidquam in hac lege apparet quo argumentum accuratius difiniatur praeter iudicem ex ea quotannis ut videtur faciendum,' p. 46 b.

The date is conjectured from the lists of magistrates: in one case *Tr. pl.*, *Q.*, III *vir cap.*, III *vir a. d. a*, *ioudex* (v. 7), in another *Cos.*, *Pr.*, *Aid.*, *Tr. pl.*, *Q.*, III *vir Cap.*, III *vir a. d. a.* In the Lex Repetundarum we have *dic(tator)*, *Cos.*, *Pr.*, *Mag. eq.*, *Cens.*, *Aid.*, *Tr. pl.*, *Q.*, III *vir cap.*, III *a. d. a.*, *Tr. mil. leg.* IIII. *primis aliqua earum.* The list in the Bantine law is substantially the same, with the exception of the *military tribunes* and the addition of a *iudex*. The magistrates named seem to be the ordinary magistrates created by the people in their comitia. Hence it is argued that the *tresviri agris dandis assignandis* are to be counted amongst the ordinary magistrates, and such regular land commissioners only existed at Rome between the years 621–635 or 636. In the first case they were appointed under the Sempronian law of Tiberius Gracchus, v. c. 621, B. C. 133, when he himself, and his brother Gaius, and his father-in-law Appius Claudius Pulcher, were named the first commissioners. See below on the Lex Agraria.

They were done away by the Lex Thoria, v. c. 635 or 636; and therefore we must put this law, as well as the Lex Repetundarum, between these limits. The character of the writing and language fits very well with the age of the Gracchi, and agrees mainly with the Lex Rep.

Argument of the Law.

(1) 1–6. Senators and magistrates who have transgressed the law are debarred the public service and public dignities.

(2) 7–13. Imposes a fine in the same cases, and gives facilities for an action against offenders.

(3) 14–22. Existing and future magistrates are to take a public oath within five days of taking office, by Jove and the Penates, that they will observe the law. The penalty for non-compliance is loss of office and of power to be a candidate.

(4) 23–32. Applies the same provisions to present or future senators.

2. *sen[tentiam rogato]*. See above, S. C. Bac., on the form of making a S. C. [*tabellamve nei dato*], i. e. *praetor*. For a full description see Lex Rep. vv. 49–52.

4. [*iudicem . . . arbitrum . . . recupe*]*ratorem*. On the distinction between these see Rudorff, R. R. G. ii. p. 25 foll. *Iudex* and *arbiter* are opposed to *Recuperator*, as national to international judges. Between themselves there is this distinction, that the *iudex* decides sharply for or against one of two contending parties, in matters which admit of such decision. So Cicero says, 'ad *iudicium* . . . venimus ut totam litem aut obtineamus aut amittamus,' Pro Rosc. Am. 4, 10. An *arbiter* (ad bito) is a 'vir bonus,' an unprejudiced man, probably an expert, called in to decide or arbitrate between two parties, where the law is certain, but where the extent of its application is not clear, e. g. in cases of disputed boundaries, liquidation of damages, divisions of property, separation of partnership, dilapidations,

etc. The terms were, however, often used loosely, *iudex arbiterve*, and Cicero laughs at the lawyers for not having decided which was to be used (Pro Mur. 12, 27). *Recuperatio* or *Reciperatio* is thus defined by Festus: 'R. est ut ait Aelius Gallus cum inter populum et reges nationesque et civitates peregrinas lex convenit quomodo per *reciperatores* reddantur res reciperenturque, resque privatas inter se persequantur.' The action of *recuperatores* extends in fact to *all* cases before the *praetor peregrinus*, and to similar cases in the provinces. So in the action to exact a fine from offenders against the law (below, l. 10), the praetor is to name *recuperatores*; and in the Lex Antonia de Termessibus we find similar provisions. C. 204, ii. 1–5; cp. Lex Rep. 7.

4. *luuci*, a rare combination of two *u*'s, perhaps merely as a sign of length. See Introd. ii. § 8; on the case, which is probably an ablative, see Introd. x. § 16.

praetextam neive soleas, 'the bordered toga and the senatorial shoes.' The *soleae* here appear to mean the *mullei* worn at first by nobles who had been curule magistrates, and then by all senators who had held such offices. This distinguished them from the *magistratibus curulibus non functi*, or *pedarii*, though the terms are perhaps not absolutely equivalent.

5. *comitia conciliumve*. The original distinction between *comitia* and *concilium*, says Lange (R. A. § 119), is that a *concilium* consists of a meeting of part, and not the whole of the people, and is not called together or presided over by a magistrate. He explains the fact that the *comitia tributa* is called more properly *concilium*, on the ground that the tribunes were not *magistratus populi Romani*. He does not, however, notice this passage, where magistrates are said *concilium habere;* and it looks as if the shorter definition of Laelius Felix, which he quotes as inadequate, was, at least at this time, practically true, 'is qui non [ut] universum populum sed *partem aliquam* adesse iubet, non "comitia" sed "concilium" edicere debet' (ap. Gell. N. A. xv. 27, 4).

7. III *vir cap(italis)*. These were police magistrates who had the control of the prisons and of executions, and penal jurisdiction over slaves and persons of the lower classes. They were first instituted V. C. 465. Liv. Epit. xi. 'triumviri capitales tunc primum creati sunt.' Their tribunal was 'apud columnam Maeniam.' Their office, as far as executions went, in imperial times, was transferred to the 'praefectus vigilum.' Rudorff, ii. pp. 328, 455. A *ioudex* is named by this law, but for what purposes we do not know, except so far as we may gather from lines 20, 21.

ex hace lege plebeive scito. See on Lex Rep. 1.

8. *sciens d(olo) m(alo)*. *Dolus*, as opposed to *culpa*, is 'evil intent,' i. e. wrong-doing with knowledge of the circumstances likely to follow, while *culpa* is negligence or fault without such knowledge. *Dolus* is not necessarily an antithesis of violence, though often so used. A higher degree of *dolus* is called, in English Law, *malice*. See Poste's Gaius, pp. 391 foll.

9. [*multa tanta esto*, etc.] This supplement is borrowed from the Oscan Law, line 12, *molto etanto estud n.* ↀ ↀ, where 2000 H. S. are mentioned as the amount. On the process of fining see below, line 12.

Sei postulabit quei petet. Such a case in practice is referred to by Mommsen as

mentioned in Cic. pro Cluent. xxxiii. 91 (see below, on line 17), 'Multam petivit. Qua lege? quod in legem non iurasset; quae res nemini unquam fraudi fuit,' showing, it may be remarked, that such laws were constantly neglected.

sei ita pariat (for *pareat*: so *sicel*, *sicare*, Sent. Minuc. 199, 40, 41; *Mirqurios*, C. 59, *Mircurios*, 1500, p. 164, etc.), more often *si paret* or *si parret*, 'if it appears so,' 'if it is proved,' cp. Lex Rubr. 205, 31, 40, *Sei non*) *parret*).

condumnari for *con-damnari*, a rare vowel change, seemingly accounted for by the tendency of vowels to become thick before *m* or *n*. For the idea cp. the formula *populo dare damnas esto*.

11. [*Praedes*] *ad q. urb. det.* *Praedes*, or *prae-vides* (Lex Agr. 46, 47), are distinguished from the simple *vades* as securities for money from sureties or bail for appearance. *Sub-vades* (XII Tabb. i. 10, p. 254) is a compound of the same root *vadh*, which appears also in Germ. *Wett*, our *wed*, etc. See on Lex Rep. 57.

multam inrogare. *Multa* never appears as *mulcta* in early inscriptions, or in the dialects: it is perhaps, therefore, not safe to connect it, as would otherwise be natural, with *mulc-are*. Corssen, ii. 155, derives it from a Sk. root *smar*, 'to mark.'

To inflict a fine (*multam dicere*) was part of the potestas of every magistrate, the only limitation at first being that it must not exceed half the property of the person fined (*dum minoris partis familiae taxat*; cp. Lex Silia, p. 273, Cato pro Rhod. ap. Gell. vi. 3, 37, *mille, minus dimidium familiae, multa esto*). This restriction was necessary, as the fine was intended to be a means of bringing contumacious persons to order, not to entail a loss of position in the state. Mr. Davidson compares the old English rule 'salva continentia sua.'

This power was further reduced by the Lex Valeria, V. C. 245, which allowed *provocatio* to the comitia, and by the Lex Aternia Tarpeia, V. C. 300, and Menenia Sextia, V. C. 302, and the Lex Iulia Papiria, V. C. 324 (perhaps even for censorial fines). The *multa suprema*, or highest fine that a magistrate could inflict without appeal (see Lex Rep. 45, '*Iudices multam supremam debeant*'), was fixed at 2 sheep and 30 oxen = 3020 libral asses, this value being determined by the last-named law. (See especially Gell. N. A. xi. 1: a sheep was fixed at 10 asses, an ox at 100). Owing to these restrictions the magistrate was generally said (as here) *multam inrogare*, rather than *multam dicere*, inasmuch as he proposed a certain fine (*inrogabat*) to the comitia, and, in later times, to a *publicum iudicium*. This was followed by a *multae certatio* in court, whether the fine was just or not. In some cases, however, the particular fine was fixed by law under given circumstances, as probably here, line 9. (For these details see especially Rudorff, R. R. G. i. § 10, p. 25, ii. §§ 100, 125, pp. 332, 418, cp. Lange, R. A. i. p. 534.)

dum minoris partus familias taxsat, 'so far as it reaches (only) the lesser half of the property.' So in the Oscan law, line 12, 'suaepis ionc fortis meddis moltaum herest ampert minstreis aeteis eituas moltaum licitud,' i. e. 'siquis eum forte (?) magistratus multare volet intra minorem partem pecuniae (or familiae) multare liceto.' *Taxsat* or *taxat* is from a frequentative of *tango*, root *tag*, and hence the conjunction *dum taxat*, which, in republican inscriptions, is always written in two words, as in Lex Rep. 198, 33, 34, Lex Rubr. 205, ii. 19. *minoris partus.* The case is remarkable here, though we have an analogy in Greek, where the genitive

is used generally with verbs of touching. Draeger, § 212, has a number of Greek genitives, but not this.

partus, a very rare form, perhaps the only one found in an *i* stem, Intr. x. § 13.

12. *siremps lex esto*, 'let the law be exactly so.' A common legal formula. See Introd. xiii. § 39.

omnium rerum, 'in all matters,' 'about all matters.' For a similar genitive of relation cp. the common formula '*eius* hac lege nihil rogatur.'

16. *eis*, nominative plural, cp. S. C. Bac. 4, *eeis*, and Introd. xiii. § 34.

17. (*pro ae*)*de Castorus*, according to Festus, '*in* the temple,' pp. 228, 246, cp. 226, like *pro rostris*, *pro tribunali*, *pro censu*; but the text implies (what is more probable) *in front of it*. Three pillars of it still remain on the south-west side of the Forum, under the Palatine. It was used for meetings of the senate, and the space in front for *contiones*, etc. So at least I understand 'pro aede Castoris dixit,' said of Scipio Aemilianus and Antony (Fest. p. 286, Cic. Phil. iii. 11, 27, q.v.). On the form *Castorus* see Introd. x. § 13; cp. note on Epist. ad Tiburtes, 201, 1.

apud q(*uaestorem*). This was a general requirement exacted from all magistrates, who had to appear before the quaestors in the temple of Saturn, within five days of their entrance upon office, and swear to observe the laws (*in leges iurare*). The quaestors were appointed for this purpose, no doubt, as having generally the custody of the laws, plebiscita and senatus consulta, which were kept in the aerarium. (Lange, i. pp. 608, 742.) The *aerarium* is mentioned, line 24, as the place.

18. *seese*, cp. *luuci*, above 4.

LEX ACILIA REPETUNDARUM. Pp. 176–186.

C. 198. This law was written on the smooth front of a bronze plate, and on the rough back of it was added the Lex Agraria, in v. c. 643, no doubt at a time when this law had been superseded by another. The Lex Repetundarum contained 90 lines, the other 105, and each line contained a number of letters varying from about 380 to 425. The number of letters wanting, or supposed to be wanting, is indicated in the middle of each lacuna.

The restoration of the law is chiefly due to Klenze, who published his edition under the title of Fragmenta Legis Serviliae Repetundarum, Berlin, 1825, 4, Rudorff and Mommsen have completed his work; the diagrams composed by the latter are particularly valuable, as showing the general relation of the two laws, the amount lost, etc., and Bruns gives a useful sketch of them.

The notes on this law are arranged for convenience in the following sections, § 1. On the Date and Name of the Law; § 2. The Quaestio de Repetundis; § 3. Argument of the Law; § 4. Notes on the Text.

§ 1. *On the Date and Name of the Law.*

Besides the indication given above, the following arguments enable us to fix the date to the years of the tribunate of C. Gracchus.

(1.) The mention of the *tresviri agris dandis adsignandis*, as ordinary magistrates, limits it, like the Tabula Bantina, to the time of the Gracchi, between v. c. 621–636.

(2.) Senators are forbidden to act as iudices (lines 13, 16), 'dum ne quem eorum legat . . . queive in senatu siet fueritve.' This was a provision of the judicial law of C. Gracchus, V. C. 631 or 632. It must, therefore, be after 631.

(3.) The Lex Rubria de Colonia Carthaginem deducenda, one of the schemes of C. Gracchus, is referred to as in force, line 22. This was abrogated directly after the murder of Gracchus, V. C. 633. It must, therefore, be before 633, and belong to the laws of the tribunate of C. Gracchus, 631 and 632.

(4.) The style is somewhat earlier than that of the Agrarian law.

(5.) The provision of *ampliatio* (line 48), and the absence of any *comperendinatio*, is another proof that this is not the Servilian law which abolished *ampliatio* and instituted adjournment (*comperendinatio*). The Servilian law was probably passed about the same time as the Lex Agraria, and by it this became obsolete.

As to the Lex Acilia (with which this is now generally identified), our chief external knowledge is derived from Cicero's first speech against Verres, where he addresses the son of the framer of the law, who was the praetor before whom Verres was tried. 'Fac tibi paternae legis Aciliae veniat in mentem qua lege populus Romanus de pecuniis repetundis optimis iudiciis severissimisque iudicibus usus est' (in Verr. i. 17, 51), and again (ib. ii. 1. 9, 26), comparing it with the Servilian law, he says, 'Glaucia primus tulit ut comperendinaretur reus; antea vel iudicari primo poterat vel "amplius" pronuntiari. . . . Ego tibi illam Aciliam legem restituo, qua lege multi semel accusati, semel dicta causa, semel auditis testibus condemnati sunt nequaquam tam manifestis neque tantis criminibus, quantis tu convinceris.' The notes of Pseudo-Asconius, on this passage, are only misleading. Of Acilius we know nothing more than that he was son-in-law of P. Mucius Scaevola, and died young (perhaps being murdered as a friend and colleague of Gracchus), as his son was brought up by his grandfather. There is nothing to disprove the supposition that he was one of the tribunes who supported C. Gracchus, but it is not absolutely certain, and therefore the name of the law, though now generally agreed upon, is not perfectly and absolutely proved.

§ 2. *The Quaestio de Repetundis.*

The subject of this law is the institution of a court for the recovery of money unjustly taken or received by Roman magistrates, or judges, or others in authority, from socii or Latins. Livy tells us that no charges of this kind were made before V. C. 581, B. C. 173 (xlii. 1), and from that time till the Calpurnian law we know little of the mode of procedure in respect to them. They must either have been subject to the jurisdiction of the comitia, or to that of an extraordinary senatorial commission (Liv. xliii. 2). In the first case, the accuser must necessarily have been a magistrate, and hence, no doubt, there might have been great difficulties in the way of the provincials seeking redress. In V. C. 605, B. C. 149, L. Calpurnius Piso Frugi Censorius tr. pl. passed a law, or rather a plebiscitum, establishing the first *quaestio perpetua* in this matter. It was called *perpetua*, inasmuch as it now became the duty of one of the praetors, probably the praetor peregrinus, to take cognizance of such cases by virtue of his office, and it created a select body of *iudices*, of senatorial rank, to sit with him.

We do not know whether other quaestiones were created by this law, but three others, of *Maiestatis*, *Peculatus*, and *Ambitus*, were in existence before the time of Sulla, and four were added by him, viz. *De Sicariis et Veneficis, de Parricidio, de Nummis adulterinis, de Falsis et Testamentaria.*

The history of the *Quaestio de Repetundis* is of some importance, and may be considered under two heads, the first, general, as to the appointment of *iudices;* the second, special, as to the procedure in this particular court, and the penalties allowed by it.

(1.) *Appointment of iudices.* This soon became almost as important an object of political contention as capacity for the magistracies had once been. The iudices were at first only senators, but this was by no means satisfactory to the provincials, and it was, no doubt, a popular, as well as a needful reform, to take away the office from them. C. Gracchus very naturally placed it in the hands of the equites, and hence the restoration, lines 12 and 16, 'qui in hac ceivi*tate* H. S. $\overline{\text{CCCC}}$ *n(ummum) plurisve census siet.*' Sulla, as naturally, restored the senators, and not altogether without reason, inasmuch as the publicani, being from the equestrian order, had too often presumed on immunity from judgment, as the provincial governors had done before. But it was evident that restriction to one class or order was not desirable in the interests of public justice, and in B. C. 70, a compromise was made by the Aurelian law constituting three decuries of senators, equites, and tribuni aerarii—the latter of uncertain position, but no doubt to some extent representing a popular element. It is to this law that Cicero refers in his oration against Verres, as just impending, thereby putting a pressure upon the senatorial iudices to do their duty. A Lex Pompeia, in B. C. 55, seems to have made a higher census necessary, and in B. C. 46, the Leges Iuliae set aside the third decury, and made the lowest census the equestrian. Antony, during his term of usurpation, entirely reduced the qualification, by adding a new third decury, in which private soldiers form the *Legio Alauda*, and other persons of mean or doubtful character were introduced, 'legit aleatores, legit exsules, legit Graecos.' (Cp. Cic. Phil. i. 8, 19, v. 5, 12, etc.) This was, however, soon set aside. The Leges Iuliae Augustae iudiciariae remodelled the whole matter, adding a fourth decury, with a smaller qualification and lower competency (the Ducenarii) to the three of senators, knights, and citizens (tribuni aeris, ferreo anulo). From this time the office of iudex must have ceased to be of political importance, and became, like many other offices, a burden on property, rather than an honour.

(2.) *Mode of procedure in the court de Repetundis.* From line 23 of this law it appears that by the previous laws, the Calpurnian and the Iunian—though nothing more is known of the latter—the procedure was by the ordinary civil action known as *sacramento.* Apparently the process employed was simply one for recovery of what was in the hands of another, in which case the only penalty (besides restitution) was the loss of the caution-money by the guilty party, while the plaintiff merely recovered what the jury estimated as the sum extorted or unjustly received. (For a description and explanation of the sacramentary action, see on the XII Tables, ii. 2.)

This law did away with the sacramentum, for both parties, and made the method of proceeding, on the whole, a simple one, and apparently appointed a special *praetor repetundis* to preside (see on line 15), and increased the number of *iudices*. Especially it enacted that the sum recovered was to be twice the estimated loss, *dupli* not *simpli* (line 59). If the name of the accused was given in before Sept. 1, the regular and longer course of action was to be followed, but otherwise the way of procedure was to appoint *recuperatores* to decide summarily (lines 7, 8). Lastly, this law allowed one new trial (*ampliatio*), but not more, if two-thirds of the iudices could not make up their minds (lines 46–48).

The Servilian law of Glaucia forbade *ampliatio*, but allowed adjournment or *comperendinatio*, and permitted accusation of a third party, *quo ea pecunia pervenerat* (Cic. pro Rab. Post. c. 4). The Lex Cornelia inflicted, besides the pecuniary penalty, *aquae et ignis interdictio*, answering perhaps to outlawry rather than exile. Appian, however (i. 22 and 37), shows that such a punishment often followed these trials at an earlier period. The Lex Iulia, B. C. 59, in the first consulship of Julius Caesar, repealed the latter penalty, but substituted considerable losses of status and of competency to be witnesses, iudices, or senators. The *litis aestimatio* was also raised to fourfold (*quadrupli*).

§ 3. *Argument of the Law.*

The rubrics of the law are marked by being spaced.

Line 1. TITLE or *Praescriptio*.

1–8. Definition of the persons who may recover, and from whom.

8, 9. Exception of magistrates during tenure of office.

9–11. Appointment of *patroni* by the praetor, if required.

11, 12. Rejection of a *patronus* by claimant.

12–14. REGULAR APPOINTMENT OF *iudices* directly after the passing of the law, 450 in number, to be made by the praetor peregrinus, and to include neither senators nor certain other magistrates, with other restrictions.

14, 15. The names of the *iudices* to be exposed to public view, read out in a contio, and set down in public registers.

15–17. Appointment of *iudices* every year within ten days after the praetor enters office [by the *praetor repetundis*]. 17–19. Their names to be exposed, etc.

19–26. PROCEDURE IN CASE OF A TRIAL. *Nominis delatio, editio* and selection of *iudices*. The defendant to give a list of those related to him, etc., among the 450; the claimant to choose 100 from the remainder, excepting all similarly related to himself, with other exceptions. The defendant then is to choose 50 out of the 100. If he will not choose or make a list of those related to himself, the claimant may choose any 50 he pleases out of the 100.

26, 27. The names of *patroni* and selected *iudices* to be registered and open to the public.

27. The same *iudices* to remain for the same case.

28. An informer under this law not to be visited with *ignominia*.

29. Judgment on a man who dies or goes into exile before decision.

30, 31. Appointment of a day and place for the trial.

32, 33. Calling of 48 witnesses, with exceptions.

33. A fine (probably for witnesses).

34, 35. On the production of witnesses and public or private documents.

35. The praetor to interrogate (probably as to the absence of iudices, etc.)

36–38. Iudices to swear before the praetor.

38. No iudex to interrupt proceedings (*Iudex neiquis disputet*).

39. On postponement of the day of trial, *de re proferenda.*

39–43. Trial of a *iudex* for non-attendance (probably at a preliminary session), and fine if necessary.

44, 45. OATH of *iudices* before going finally into court (*in consilium ire*) not to divulge their vote.

45–46. Fine for non-attendance at the final session to be the *multa suprema.*

46–48. One *ampliatio* allowed. If the *iudices* twice refuse to give a verdict they are to be fined 10,000 H. S.

49–52. If two-thirds have made up their minds, the praetor is to remove the others and take the votes. MANNER OF VOTING.

53, 54. One *iudex* chosen by lot to examine the votes and call out the letter of each.

54. Numbering the votes.

55. [Defendant to be absolved if the A's are more than or equal to the C's.]

55. Condemnation if C's are more in number.

55. Restrictions of grounds for a new trial.

57, 58. The condemned party to give securities (*praedes*) to the praetor for the payment of the sum in which he is condemned.

58, 59. LITIS AESTUMATIO. Restoration of *equal* value for everything extorted before the passing of this law, and of *double* for everything since.

59–61. The money to be paid from the aerarium in three days after it is received by the quaestor to those who can prove their right to it.

62 63. Appointment of a time for apportioning the money recovered if the whole sum cannot be obtained.

63, 64. Apportionment and order to the quaestor to pay.

64. The portion of any one who does not attend to be kept in the aerarium.

65, 66. Amount of the money to be placarded in the forum.

66. Unclaimed money after five years to belong to the populus.

66, 67. Money not paid by the condemned party to be exacted from his securities.

67, 68. Such money to be sealed up in *fisci,* labelled and examined by every new quaestor.

69. The praetor's order for payment to suffice to the quaestor.

69. The quaestor not to delay.

69–72. No magistrate or other person to impede a trial.

72, 73. If any official dies during the trial his successor takes it up without a break or alteration of procedure.

73–75. Previous trial under the Calpurnian or Junian laws to be a bar to proceedings under this law. Its action not retrospective.

75. As to *praevaricatio*.

76–78. Citizenship to be offered to any one who has procured a condemnation.

78, 79, 87. The right of appeal and immunity to be offered to one of the Latin name, if he prefer not to become a citizen.

[Then follows a repetition of lines 72–79.] Option to be given.

87. Rewards of a Roman citizen who procures a conviction.

88–90. Of uncertain import, perhaps of appeal.

§ 4. *Notes on the Text.*

1. [Praescriptio]. *Scita plebei* are defined by Festus, 'quae plebs suo suffragio sine patribus iussit, plebeio magistratu rogante.' By the Lex Hortensia, v.c. 467, they were made equal in all respects to *leges*, i.e. laws proposed by patrician magistrates in the comitia centuriata or tributa. Hence the common formula *ex hace lege plebive scito* (e.g. Lex Bant. 7) or *lex sive id plebiscitum est*.

The *praescriptio* or *index* is preserved in a Lex Quinctia de aquis given by Frontinus, c. 129, and is of the form printed in italics at the beginning of this law.

It runs as follows:—'T. Quinctius Crispinus cos. . . . populum iure rogavit populusque iure scivit in foro pro rostris aedis divi Iulii pr. [k.] Iulias. Tribus Sergia principium fuit; pro tribu Sex. . . . L. f. Varro [primus scivit].' The distinction between *plebes* and *populus* in the two cases is simply owing to the different standing of the proposer. Here it is a tribune, and he is said *plebem rogare*, and so Antonius, etc., in the Lex de Termessibus; but Sulla in the Lex Cornelia, Quinctius in the Lex de Aquis, etc., are said *populum rogare*, as being curule magistrates. In the Lex Cornelia and Lex de Termessibus we have only fragments of the formula.

[*Quoi ceivi Romano sociumve no*]*minisve Latini*. This is Bruns' reading, following Lex Agr. 21. Mommsen omits the *c. R.* inasmuch as the whole matter rests on the jurisdiction of the praetor peregrinus, line 12, even though the law contemplates the possibility of a Roman citizen being an accuser (ll. 76, 87); for this he might be as the legatus of a king or people (ll. 60, 63).

The persons who may be accused under this law are those who have held an ordinary magistracy or are senators or sons of senators. Secondly, they must have wrongly obtained money in their magistracy, whether ordinary or extraordinary. Thirdly, the sum must be of a certain amount in any given year. The amount is lost, but it cannot have been greater than 4,000 H. S. (says M.) since C. Cato in 643, probably under this very law, was condemned to pay 8,000 H. S., i.e. *dupli*, l. 59. (Cic. Verr. iii. 80, 84.)

3. [*pro imperio prove potestate*], 'in the use of his imperium or potestas.' See below on l. 8.

suos, so *senatuos*, *volgus*, *equos*, *aevom*, to avoid the occurrence of two *u*'s.

[*praetoris*, etc.] This supplement is taken from below and l. 6. On *leitis aestumatio*, see below, l. 58.

4. It seems best to understand this provision of an action against the praetor who denied a trial, though the supplement is only conjectural.

5. This seems to provide that a previous trial under this law should not be a

bar to a fresh trial, if either the first accuser was a praevaricator or dropped the accusation. *Praevaricationis causa*, 'in the way of collusive accusation.' So *kalumniae causa*, 'in the way of false accusation,' *exsilii causa*, 'under sentence of exile,' *honoris causa*, 'with all respect' (not 'for the sake of honouring'). A praevaricator is one who is in league with the man he pretends to accuse, probably from seeming to go one way and going another. Such an accusation was that which Caecilius intended to make against Verres. See Cicero's Divinatio in Caecilium.

ex h. l. ex reis exemptum. The provision for this does not appear in the portion of the law preserved to us. Mommsen quotes the Digest, xlviii. 2, 11, 2, 'eum qui abolitione publica vel privata interveniente aut desistente accusatore *ex reis exemptus est* alius deferre non prohibetur.' *Abolitio* or *nominis exemptio* took place, (1) *publice* as an act of the senate on some festal occasion, (2) as an action of the judge on petition of the accuser and with consent of the accused, to avoid the penalties of *tergiversatio*, (3) owing to the death or legal hindrance of the accuser or informality in the act of accusation (Rudorff, R. G. ii. § 130).

6. In order to have full benefit of the law, the name of the accused must be handed in to the praetor before the 1st of September, a general rule of Roman law for quaestiones ordinariae, in order that if possible a case might be tried before the same praetor to whom the accusation was made. See Mommsen, ad loc. If a name was not given in before the 1st of September the process was by the less severe, but sometimes more convenient, private jurisdiction of *recuperatores* (Lex Bant. 4, etc.). Hence the praetor is ordered 'facito . . . utei privato solvatur,' while in the other case he pays to the quaestor.

8. *De heisce dum mag(istratum) aut inperium habebunt.* The words *magistratus* and *inperium*, especially the latter, have a long and somewhat obscure history. A *magistratus* is one who is elected by the people, or regularly coopted by one so elected, to take part in the executive government, originally accumulated in the hands of the king. The *magistratus maiores* are those who shared the power which the king exercised in his own person, the *magistratus minores* that which he delegated to others, i. e. the *aediles* and *quaestors* and all below them.

From the royal power also, according to Lange's theory, was derived the division of magisterial authority into *potestas* and *imperium*. He represents the distinction between them as follows (R. A. i. pp. 237, 264 foll.) :—*Potestas* is a natural or constitutional right belonging to the king as patriarch, and representing, with certain limitations, the authority of the paterfamilias. It has its origin therefore from the extension of the theory of family and gentilician rights to the state, but it is limited by a wish to preserve those rights in the hands of the patres and gentes. By virtue of his *potestas* the king could make orders as to the use of the *ager publicus* and other state property, could nominate priests and secular officers, convoke the senate and comitia curiata, take auspices and offer sacrifices for the people, and treat with foreign states. But he had, by virtue of his *potestas*, no power over the persons and private property of his subjects (l. c. p. 264). This was given him after his election and inauguration by the *patrum auctoritas* or *lex*

curiata de imperio. The origin of this *imperium* or power of command seems to have been the necessity felt in a federal state composed of different nationalities (such as Rome was) for lodging a greater sovereignty in the hands of the ruler, than was required under a patriarchal constitution. The *imperium* of the king in consequence consisted of two parts, (1) in relation to property, of the right to impose a tax (*tributum*), a fine (*multae dictio*), and to adjudge on questions of disputed ownership: (2) *in relation to persons*—of the power of life and death as General in time of war, of punishment by stripes and imprisonment (*vinclis et verberibus*) in time of peace, and of jurisdiction in civil and criminal causes so far as to take away the civil position of a citizen (*capitis deminutio*).

The relation of *potestas* and *imperium* under the republic was no doubt somewhat different, though the latter always required a special *lex curiata* for its transmission. According to Lange (i. p. 586), the common attributes which constitute the *potestas* of a magistrate are as follows:—(1) *ius multae dictionis* (see Lex Bant. 11); (2) *ius edicendi*, the right of promulgating ordinances with regard to his conduct of office, which have the force of law during his personal tenure; (3) *ius contionem habendi* (see on S. C. Bac. l. 22); (4) *ius auspiciorum* or *spectio* (Cic. Phil. ii. 32, 81.) The *imperium* of magistrates, like that of the kings, contained the highest military and judicial power, but generally limited by the rights of appeal and intercession. The *magistratus cum imperio*, i.e. dictator, decemvirs, consuls, consular tribunes, and praetors, had the right of summoning the army under their own auspices, and consequently that of convoking the *comitia centuriata* and the *ius cum populo agendi* (though this was only allowed the *praetors* for certain purposes). Further, they had the right of jurisdiction (*ius lege agendi*) and that of *vocatio*, including that of *prensio* or summoning the attendance of an absentee. In token of this *imperium*, they alone were allowed lictors. A magistrate, by virtue of his *imperium*, could enforce the obedience of another lower magistrate, and even suspend him and force him to abdicate (l. c. pp. 590, 591). The censors, standing in their origin in a peculiar relation to the consular power, had a sort of delegated imperium, but only for certain purposes. The *potestas* of the censors, on the contrary, was a special one conveyed to them by a Lex Centuriata de Potestate Censoria, which put them above tribunician intercession and gave them other important powers.

It must be remarked that Mommsen does not think the distinction between the terms so strong or so definable. *Potestas* may include *imperium*, though it is naturally used of those magistrates who are without it. See Handbuch, **Römisches Staatsrecht, i. pp. 48 foll. Cp. Festus, Ep. p. 50.**

patronos in eam rem darei. In older Latin the *patronus* is distinguished from the *advocatus* as one who speaks or pleads for another, while the *advocatus* stands by and gives counsel (Rudorff, R. G. ii. p. 50, note). Afterwards they become combined. 'Ait Praetor: Si non habebunt advocatum, ego dabo.' See Liv. xliii. 2.

10. *attigat.* This form is found in Pacuvius, 228, 'ne vim qui attulat neve *attigat*;' and Accius, 304, 'cave vestem *attigas*,' and not rarely in Plautus, as Bacchid 445, 'ne *attigas* puerum istac causa.' It may either be treated as a separate verb or as an instance of *n* lost before a guttural (Introd. iii, § 19), or thirdly, and perhaps

most probably, as an isolated aorist form. *Attigeret* is found l. 21, apparently for *attingeret.*

in eodem conlegio. Conlegium is a word of wide signification, and may denote association in a magistracy, a priesthood, or in a corporation or private guild (*collegium artificum*, etc.) Here it cannot well mean the first, as no one can be accused while actually in office; nor the third, as the persons contemplated are of a higher rank of life than the members of such guilds. It probably here implies association in the other state collegia, not magistracies, such as the *pontifices, augures, Fratres Arvales*, etc. *Sodalis* is a less general term, and is properly restricted to association for the purpose of a common religious feast or sacrifice, one of the objects of all *collegia*. See the authorities collected by Mommsen, De Collegiis et Sodaliciis, c. 1. Cp. especially Cic. pro Caelio, 11, 26. On *sodalitas* as an association for bribery in the comitia tributa, see Mommsen, l. c. pp. 41 foll.

quoiave in fide is erit. 'In fide esse' is best illustrated by a passage of Gellius, v. 13, in which, in accordance with the 'mores populi Romani,' he classes as binding upon a man, first the relation of tutor and pupillus, then that of a patron and client, then that of hospes, lastly, his relation to cognati and adfines. The relation of *clientela* is usually called *in fide esse*, and is meant here. See on C. 531, and Mommsen, Röm. Forschungen, die R. Clientel, pp. 355, 362.

11. *mori[bus suspectus]* is Klenze's very apposite supplement.

12. *deicet*, the future (says Mommsen) is probably to be explained on the supposition that the tribune or tribunes promulgated this law between the day on which they entered office, IV Id. Dec. and that on which the praetors came in, Kal. Jan. Similarly the *third Philippic* was spoken at a meeting of the Senate held by the tribunes in this interval, the consuls Antony and Dolabella being absent.

The *census* $\overline{\text{CCCC}}$ *n.*, or census equestris, is here introduced by Mommsen, in accordance with what we know of the Gracchan judicial law, which forbade senators to be iudices, but required a property qualification. $\overline{\text{CCCC}}$ *n.* = quadringenta milia H. S., 400,000 sesterces. So the colloquial expression, 'Sed *quadringentis* sex septem milia desunt; | plebs eris,' Hor. i. Ep. 1. 58.

13. [*dum nei quem*]. The curule magistrates are here omitted in the supplement as they were, after their tenure of office, members of the senate de facto, if not de iure, having the right 'in senatu sententiam dicere.'

queiv[e mercede conductus depugnarit], cp. 16 queive *merc[ede*, etc.] Mommsen supplements thus, *queiv[e mercede conductus depugnarit depugnaverit artemve ludicram fecit fecerit*], comparing Lex Iul. Mun. 112, 'queive depugnandei | caussa auctoratus est erit fuit fuerit,' and 123, 'queive lanistaturam artemve ludicram fecit fecerit,' where they stand among the disqualifications for a place in the provincial senate, etc.

in urbem Romam, where we should usually have the ablative. So Lex Iul. Mun. 20. See on Lex Agr. 1, *in terram Italiam*, where other instances are given. [*p(assus) M.*] from the Lex Iulia, where it occurs frequently = the suburban district for a mile outside the walls. This, it appears, was counted as part of the

city itself, and within this limit consequently the imperium of the magistrates was subject to *provocatio* and the tribunician veto.

14. *quos legerit eis patrem tribum cognomenque indicet*, see on no. 52. Such a designation is, for example, 'Ser. Sulpicius Q. F. Lemonia Rufus,' in a S. C. proposed by Cicero (Phil. ix. 7), and is in fact the fullest possible, unless the grandfather's name, etc., were added.

CDL *virois*, nom. pl. Introd. ix. § 7.

15. *in taboleis poplicis*, kept in the aerarium. So Cicero, Philippic v. 5, 15 'hos ille demens iudices legisset, horum nomina ad aerarium detulisset.'

is praetor), hence the supplement [*Praetor quei post h. l. rogatum ex h. l. ioudex factus erit*]. See above, *on the change in procedure*, etc. The title IVDEX · Q · VENEFICIS · PR · REPETVNDIS, i.e. *iudex quaestionis*) *veneficis, pr(aetor) repetundis*, is found in the Elogium of C. Claudius Pulcher, praetor V. C. 659 (C. p. 279), a later monument, but preserving a genuine tradition. This *praetor repetundis* appears to have been appointed first under this law, the jurisdiction for the first year being left to the *praetor peregrinus*, l. 12.

18. *in conctione*. Perhaps the *c*, when written by mistake, was afterwards scratched out, but the brass is not very clear. At any rate it can give no support to the spelling *concio* for *contio*. See above on no. 58.

legise . . . [optumos]. Cp. Cic. pro Cluent. xliii. 121 'praetores urbani . . . iurati debent optimum quemque in selectos iudices referre.'

19–26. *De nomine deferundo iudicibusque legundeis*. This is one of the most difficult chapters of the law, though it is made coherent and intelligible in a very great measure by Mommsen's supplements. For a short analysis, see the *argument* above. First comes the *delatio nominis*, and the oath that the accuser does not come forward *calumniae causa*. *Calumnia* is simply the accusation of an innocent person whom you know to be innocent, by one 'qui sciens prudens per fraudem negotium alicui comparat,' Paul. i. 5, 1, etc. The word is connected with *calvere, calvi*, to injure, betray, and perhaps *incilare* (Corss. ii. 172). When this oath became too weak to deter false accusers, a subscription was exacted by which the accuser became liable to the same penalty that was pronounced against the defendant. Later a counter trial was allowed, and various penalties, such as branding with a K, inflicted (see Rudorff, ii. § 138).

20. *arvorsario*. Cp. S. C. Bac. 1, Introd. iv. § 29.

21. *attigeret*, apparently for *attingeret*. Cp. *attigat*, l. 10.

22. Twenty days after the accused has made his *editio*, the accuser is to choose 100 out of the remainder, excepting his own relatives, etc., and those who are forbidden to be *iudices* by the terms of this law. The enumeration of these is made again, probably to prevent anyone from being selected who had become incapable since the choice of the 450 by the praetor, which might be more than eight months previous.

22. *l. Rubr[ia* III *vir col. ded.*] There are two Rubrii known to us about this time, both tribunes and colleagues, the first of Tiberius, V. C. 621, the second of C. Gracchus, V. C. 631. The latter carried a law for founding a colony at

Carthage, one of C. Gracchus' favourite plans. The triumviri for this purpose would naturally be mentioned here. M.

23. The exception of anyone condemned under this law is superfluous, inasmuch as they must be senators or magistrates who had been already excepted. By whose carelessness it was introduced it is quite impossible to say, but it came in rather easily after the exception of persons condemned under the previous laws, who were not perhaps necessarily of this standing.

lege Calpu]*rnia*, etc., passed V.C. 605. See above *on the change in procedure*, etc.

lege Iunia. Nothing else is known of this law besides the reference in line 74, but we must conclude from the mention of it here, that it was passed between V.C. 605–632. Borghesi believes its author to have been probably M. Iunius Silanus, cos. V.C. 645, the first consul in his family. *Sacramento actum;* we learn from this that peregrini could use legal actions. Cp. Gaius, iv. 31. M. In centumviral causes in the time of Gaius, the legal action *sacramento* was still in use before going into court: 'aput Praetorem urbanum vel peregrinum.' It was preserved after the other legal actions went out, partly by the Lex Aebutia, circa B.C. 170.

26. *eis*, nom. pl. So lines 57, 67; cp. Tab. B. lines 16, 23, Introd. ix. § 7, xiii. § 34.

27. Cic. Verr. act. i. 6, 17, 'libelli nominum vestrorum consiliique huius in manibus erant omnium.' M.

28. *q*]*uei pequniam*, etc. This is very obscure, but must relate to some information given before the trial, probably against one or other of the *iudices*, which the law orders shall not injure the informer. *Tribu mo*]*veto;* this was part of the *potestas censoria*, and was a species of degradation (*ignominia*), which could be put in practice in two ways. Either a man was moved from a *tribus rustica* into a *tribus urbana*, which involved a lowering of his dignity, inasmuch as the country tribes contained the patricians, while the urban were mostly artisans, clients, and proletarii; or he lost the *ius suffragii* altogether, an action on the part of the censor which was called *tribubus omnibus movere, aerarium facere, in tabulas Caeritum referre*, sometimes less exactly *tribu movere* (Lange, i. p. 679).

neive equom adimito. The censors held at the census a parade of the equites, sitting themselves in the forum, while they passed before them up the Via Sacra, leading by the bridle the *equi publici*. Those who were to be left in the centuries of knights were bidden *traduc equum*, those who were thought unworthy were ordered *vende equum* (Lange, i. p. 683). After the year 625 V.C. a senator could not serve *equo publico*, and therefore others besides senators must here be intended. M.

30. *utei q*]*uod recte factum esse volet*, a common formula, in these or like words, meaning 'without prejudice,' 'to the best of his ability.'

31. *oppedeis foreis conciliab*]*oleis*. *Oppidum* is a general word signifying a *town*, used even of Rome. According to Corssen (ii. 870), however, by derivation country-town (*ob pedum*, on the field), opposite to *urbs*. *Forum*, a market- or assize-town. *Fora*, *conciliabula*, *castella*, are smaller places with incomplete

organisation, *praefectura* is a place to which a *praefectus* or *praefecti iure dicundo* is or are sent from Rome, instead of the local *duumviri*; *municipium* is a free town governed by its own magistrates. *Colonia* partly covers both the last terms. For further details, see Mr. Watson's Select Letters of Cicero, App. xii.

ioure deicundo, dative in *e*, preserved in legal forms. Introd. x. § 15.

32. *refere* = re-ferre.

33. *causam deicet*. This exception is referred to by Cicero, Verr. ii. 8, 24, speaking of Hortensius, 'te mihi testem in hoc crimine eripuit legis exceptio.' M.

dumtaxat here means, 'provided that he may call one.'

34. *de inquaerunda multa*. This fine no doubt had to do with the inquiry and *denuntiatio* of witnesses.

dum taxat homines IIL, 'to the number of 48 persons.' IIL = 'duo de quinquaginta.' By a later law 120 might be called, as in the case against M. Scaurus, V.C. 700 (Val. Max. 8, 1). M.

35. *Praetor utei interroget*. This (says M.) cannot be an interrogation of the reus or the witnesses, as this did not take place *in iure*; but probably was for the purpose of determining the day, and citing or excusing iudices.

39. *Ioudex nei quis disputet*. 'A iudex is not to interrupt proceedings' by making remarks in confirmation or refutation of a witness. Hence the particular provision in the case of Clodius, reported by Asconius in Cic. Milon. p. 41, 'ut priusquam causa ageretur testes per triduum audirentur dictaque eorum iudices confirmarent.' See M.

rem proferet, 'shall postpone the case.' The contrary was unlawful, '*referri* diem prodictam, id est anteferri religiosum est,' Fest. p. 289.

nomen referre is obscure. The whole section seems to have something to do with the excuses of jurors, not with the principal matter, and the *ioudex q]uei eam rem quaeret* (line 42) is probably one of the jurors appointed by the praetor to examine them.

40. *utei is*. The Table has *ut eius*, an evident error, especially as *utei*, not *ut*, is the form in use at this date.

42. *causam non noverit*, 'shall not have approved the excuse.' So Cic. de Leg. i. 4, 11, 'atqui vereor ne istam causam nemo noscat,' says Atticus to Cicero, who is urging the excuse of age, and ad Fam. iv. 4, 1, 'illam partem excusationis . . . nec nosco nec probo.' M.

'*fec]isse videri*' or '*parum cavisse*,' is the ordinary euphemism for pronouncing a sentence of condemnation. So supplement to line 56. '*Parum cavisse videri* pronuntiat magistratus cum de consilii sententia capitis quem condemnaturus est,' Fest. p. 238, Cic. Verr. v. 6, 24.

45. *multam supremam*, i.e. 3020 asses. See above on Lex Bant. line 11.

46. *isque quaestor*. The mention of the quaestor is rather remarkable; probably we must suppose the names of the iudices brought (*deferri*) to the aerarium.

in co[n]silium eant. The president was said *mittere in consilium* as soon as the pleaders had finished their speeches and the herald had cried *Dixerunt*. (Rud. ii. p. 441.)

48. *amplius bis*, 'more than twice.' One *ampliatio* was allowed, but a second

refusal to come to a decision was to be fined, each juror saying 'non liquet' paying 10,000 H. S. Mommsen's supplement is considerably different, making *amplius* the phrase for *ampliatio,* viz. | . . . *Iudices maior pars eorum sei ita noluerint de ea re iu*]*dicare,* is HS. n CCIↃↃ quotiens quomque 'amplius' bis in uno *iu*[*dicio pronontiatum erit, singulis multa esto.* Notice also that here *is* is to be taken as the dative for *iis.* The sense is however the same.

49. *duae partes,* 'two-thirds.'

semovant[*ur.* If this is anything more than an error, it must be an instance of conjugation varying between the 2nd and 3rd. *Morere* certainly does make its perfect, etc., in the third conjugation, and *fulgere, fervere, stridere,* etc., are often conjugated in both forms, though perhaps not in the present subjunctive.

51. *sorticola,* also called *tabella* and *cera legitima,* in distinction to a particular kind used, or intended to be used, at least in one case, that of Verres, *cera discolor* (Cic. Verr. i. 13, 40). In that case the bribed iudices were provided before they went into court with a tablet covered with coloured wax, which they were to substitute for the *cera legitima*; so that when they held up the hand to show it to the people, it might be known whether they had kept their promise or not.

Sitella cum sortibus, in a different sense, was an ordinary way of drawing lots, water being poured in, and that which rose to the top being taken as an omen. See below on the *Sortes,* nos. 1438–1454.

54. *transdito,* so line 58.

55. *quod praevaricationis causa factum non erit,* 'except in case of conspiracy with his accuser.' See above, line 5.

56. *de sanctioni hoiusce legis,* 'on the ground of something in the final clauses of this law.' *Sanctio legis* is properly the conclusion, containing provisions against, and penalties for, cases of transgression of a law, the other two necessary divisions being *Praescriptio,* the heading or title, and *Rogatio,* the law itself. Without a *Sanctio* a law is *imperfecta,* and the more complete the sanctio the more perfect the law. In this law, for example, there would be a provision against an abrogation or derogation, *per saturam* (see on line 72).

58. *de leitibus aestumandeis.* The 'assessment of damages,' or of the sum claimed to be recovered, took place directly after the sentence. *Lis,* or *stlis,* is compared by Corssen to Germ. *Streit, stören,* Gk. *στερ-ίσκω,* etc. See on C. 38.

60. *nomine su*]*o,* a supplement taken from Lex Rubria, ii. 13, 'quei eam suo nomine petierit quoive eam d(arei) o(portebit).'

leitem aestumatam, with the *dative* of the person in whose favour it is assessed.

62. A *tributus* (another form of *tributum*) is made when a sum, either to be collected or dispensed, is divided proportionately among several persons. So the people is said *tributum facere* when it exacts a tax upon land, according to the value of the estates; and a master has to make a *tributus* when he divides the goods of a slave, who has been in business, amongst his creditors, according to the sums he owes them—a somewhat parallel case to this. So Mommsen; cp. Lex Iulia, 41. For the formula of this *actio tributoria* see Rud. ii. p. 165.

64. *sed fraude sua,* or *se f. s.,* a common phrase, 'without any danger or prejudice to himself.'

65, 66. We have here in full the formulae '*apud forum palam, ubei de plano recte legi possitur*' introduced into the supplements of two or three lines above, e.g. 14, 18. *De plano*, 'from the ground,' without using a ladder, etc.

possitur and *potestur* are curious abnormal formations of *possum*, on the analogy of the ordinary Latin passive. So *poteratur*, *possetur*, *quitur*, *queatur*, etc.: see Fest. p. 241, Non. p. 508, Lucr i. 1045, iii. 1010.

67. *in fiscis*, baskets, especially for keeping money. So Cic. Hence in later times the emperor's privy purse, the *fiscus* proper.

69. *pr(aetor)* . . . *inserit* . . . *quaestor* . . . *extra ordinem dato solvitoque.* Such a provision was necessary to hold the quaestor harmless, inasmuch as ordinarily the *quaestor* could pay on the consul's order alone, but required from all other magistrates a direction or decree of the Senate to that effect (Pol. vi. 13, Liv. xliv. 16, Lange. pp. 614, 741).

71. *neive iudicium dimitere iubeto.* The two reasons for dissolving a court are an assembly of the senate or of the comitia tributa, and hence the resolution of the senate ap. Cic. Fam. viii. 8, 5, 'cum de ea re ad senatum referretur a consulibus, qui eorum in CCC iudicibus essent, eos (*cod.* ses) adducere liceret.' So that later, when Augustus appointed fixed days for meetings of the senate, they were all made *nefasti* (Dio Cass. lv. 3). M.

tribus intro vocabuntur. This seems to be a phrase taken from the comitia centuriata (*intro vocari centurias*) and applied to the *comitia tributa.* According to Lange (ii. p. 458) the *intro* implies the passage from the *saepta*—of which there was one for each tribe—across the *pontes* into the general enclosed space for voting or *ovile.* The convenience of this method for orderly voting is evident.

72. *extra quam sei quid in saturam feretur.* The general prohibition of passing enactments of different kinds in one law (*per saturam* = medley-wise) was already in existence, as we learn from the words of T. Annius Luscus in a speech against Ti. Gracchus (Festus v. Satura, p. 314), 'imperium quod plebes per saturam dederat id abrogatum est;' and hence the provision in the *sanctio* of a law, NEVE PER SATVRAM ABROGATO AVT DEROGATO. It was declared again by the Lex Caecilia Didia v. c. 655—some years later—a law which also imposed under penalty the promulgation for seventeen days at least (*promulgatio trinum nundinum*).

72. The five following chapters of the law are, for some reason or other, repeated again, ll. 79–86. For that they are a mere repetition, and not a number of similar enactments (as above, l. 12, *de* CDL *vireis in hunc annum legundis* compared with l. 15) is at once visible when they are printed under one another, as in Bruns, and for this reason I have thought it perfectly allowable to omit them. Some of the supplements and corrections of course depend upon the second copy, and the words in this, and not in the first, are enclosed in round brackets. Possibly the writer found he had made a number of blunders and thought it better to repeat than to attempt to erase and alter.

74. *fuit fuerit*, 'has been or shall have been.' Actions for money exacted before this law was passed might still lie under the Calpurnian and Junian laws (the latter being apparently a supplement to the former); indeed it was in all probability

specially provided that this law should not touch cases which had taken place before it was passed. See the supplement in the next sentence. *Queique contra h. l. fecisse dicentur, nisei lex rogata erit ante quam ea res facta] erit, quom eis hace lege actio nei esto.*

75. If the same *praetor* and *iudices*, or the survivors of them, are convinced that *praevaricatio* has taken place, certain penalties are to follow. What these were is of course now unknown. Mommsen quotes from Cicero, Fam. viii. 8, 2, the case of M. Servilius, who accused C. Claudius, praetor V.C. 698, of extortion, and obtained a condemnation. The son of Claudius is said 'iudicasse pecuniam ex bonis patris pervenisse ad Servilium, praevaricationisque causa depositum H. S. LXXXI, et misisse in consilium eosdem illos qui lites aestimarant iudices.'

76. *De ceivitate danda.* By the Servilian law it appears that the citizenship could only be granted in this way to *Latini* (see M. ad loc.), whereas by this it was opened to any one *quei ceivis R. non erit.*

77. *gnateis*, n. pl.; so CDL *vireis*, l. 14, Introd. ix. § 7. Cp. *eis*, l. 26, etc.

censento = censentor. In this form we have a trace of the original passive formation in *-se* or *-s*, and must consider this an instance of the loss of a final *-s*. Introd. xiv. § 15. So *rogato* for *rogator* below (Madv. Opusc. ii. 241) and twice in the Lex Quinctia preserved by Frontinus, c. 129; *praefato* = praefator, Cato, R. R. 134, p. 334, and *tollito* (?), Leg. Reg. 4, p. 253.

militiaeque eis vocatio, i. q. *vacatio*. So Lex Iul. Mun. c. 206, 93, 203. Cp. Laudatio Murdiae, '*vocuamque* [do]mum alterius fecunditate t[radidisti liberis replendam],' Plaut. Trin. 11, *vocivas* aures (Ambros. MS.), Cas. prol. 29, aures *vocivae* (MS. Pal.). In Sen. Lud. c. 11, Bücheler reads 'rerum iudicandarum *vocationem* dari.' See Mommsen, ad loc., Corssen, ii. 66, and the authorities there referred to. Cp. other *o*'s after *v* for *a*, *e*. So *vox, votare, vortere, Voturia* tribus for *vak-s, *vetare, vertere, Veturia*.

78. *rogato* for *rogator*. See on *censento* in the preceding line.

dicta]tor praetor aedilis are the ordinary magistrates among the Latins; e.g. Milo was *dictator* at Lanuvium, one Aufidius Luscus was *praetor* at Fundi when Horace went to Brundisium (i. Sat. 5. 34), etc. Such men are excepted, as they had by virtue of their office already become Roman citizens.

De provocation[e immunitat]eque danda. The object of this was to give a Latin who did not care to change his citizenship the same right to freedom from corporal penalties as a Roman had. Similarly the elder Livius Drusus at this very time set himself to outbid C. Gracchus by a law *ὅπως μηδὲ ἐπὶ στρατείας ἐξῇ τινα Λατίνων ῥάβδοις αἰκίσασθαι* (Plut. C. Gracch. 9).

quoius eorum opera ma]xime eum condemnatum esse constiterit. So the supplement, with the help of the second copy. Mommsen compares Ascon. in Cic. Mil. p. 54, 'Damnatum opera maxima [l. maxime] Ap. Claudii [Milonem] pronuntiatum est,' which shows that there was a legal decision on the point at least in that age, and a S. C. in Frontinus de Aq. 127 and Lex Mamilia, c. 55, Bruns, p. 90.

SENTENTIA Q. M. MINUCIORUM INTER GENUATES ET VETURIOS, v. c. 637.

C. 199. Though I have omitted the text of this document as being of less general interest, it may be worth while to give a short account of it. It is written on a bronze plate, containing forty-six lines, found in 1506, about six miles from Genoa, on the river Succo, and is now kept in the Senate house at Genoa. It consists of an arbitration as to boundaries pronounced v. c. 637, B.C. 117, by Q. and M. Minucius, one of whom was consul seven years afterwards. The dispute was between the Langenses Veturii and their neighbours of Genoa, and appears to have been brought before the Roman Senate, who appointed the two Minucii as *arbitri*, they being descended from Q. Minucius, who subdued the Ligures v. c. 557, and therefore having an ancestral connection and perhaps right of patronatus. Cp. the relation of the Marcelli to Sicily. The arbiters decided upon the spot and gave orders for the erection of boundary stones ('eos fines facere terminosque statui iusserunt'). On their return to Rome they pronounced the sentence ('ubei ea facta essent Romam coram venire iouserunt').

The following grammatical forms may be noticed:—

The plural nominatives—*Minuceieis Rufeis* 1, *eis* 29, *hisce* 13, *Veituris* 25, 36, *Vituries* 37, *Dectunines*, *Caraturineis* 38, *Caraturines* 39. See Introd. ix. § 7.

Ablatives—*arbitratuu*, *fontei*, *faenisicei* (from an unused consonantal stem). Introd. x. § 16.

Dative plural—*Dectuninebus*. Introd. ix. § 12.

ager vectigal 6, = vectigalis. Introd. x. § 4 (1) c.

fruimino 32, = fruatur. *composeiverunt* 2, = composuerunt. *sicet* = secet.

The writing of preposition and case in one word is extremely frequent, especially, as usual, with *in*. See Int. iv. § 2 (5). *Ob eas res* occurs l. 43, the only instance where *ob* is so found in this volume. Cp. *aacetereis*, Lex Corn. 202, ii. 29 where we notice also a doubled vowel. *u* is doubled in *Q. Muucio cos.* 5, 29, 37, as well as in *arbitratuu* above.

Consonants are sometimes found doubled, sometimes not. We have *annos* and *anos*, *Mannicelo* and *Manicelum*, *possiderent* and *posident*, etc. (the latter in all the cases), *mitat* and *inmittere*. But doubled consonants are far rarer than single ones.

The whole style of the document is of a hard and somewhat archaic character.

In describing the boundaries we have some expressions rather difficult to analyse, e.g. '*Inde flovio suso vorsum inflovium Lemurim. Inde flovio Lemuri susum usque ad rivom Comberane(am).*' This appears to mean, 'Thence upwards *from the river* to the river Lemuris. Thence *from the river* Lemuris upwards to the watercourse of Comberanea.' *Flovio* being without a preposition, is defined by *inde*. See the general formulae given by Hyginus, p. 114 of the Gromatici.

susum or *suso* is found side by side with *sursum*, just as *rursum* by *rusum* or *russum* in Plautus. *Susum* is found also in Cato, R. R. 157, 15.

With *prata quae fuerunt proxuma faenisicei . . . inviteis eis niquis sicet nive pascat nive fruatur*, Mr. Nettleship compares Virg. Aen. xi. 319, 'vomere duros | exercent collis atque horum asperrima *pascunt*,' i.e. pascuis utuntur. *Depasco* is used in the same way not unfrequently.

LEX AGRARIA. Pp. 189–204.

C. 200. The fragments of this law are on the back of the same table as the Lex Repetundarum, and were, as we have seen, in all probability added at a time when that law was superseded by another, and when consequently the table could be turned to another use.

We have then on the one side a sample of the legislation of Gracchus, and in the Agrarian law, as will appear directly, a specimen of the reaction against that legislation.

The arrangement of the fragments is chiefly due to Rudorff, who edited the law in 1839, following up and making morally certain the arrangement adopted by Klenze in the Lex Repetundarum. The valuable review of it by Huschke in Krit. Jahrb. für deutsche Rechtswissenschaft, vol. x, 1841 (says Mommsen), is equal to a new edition: and lastly we have Mommsen's own commentary in the Corpus, which I have used freely, adding a good deal of explanation on minor points. I must also express my obligations to Mr. J. L. Strachan Davidson, Fellow of Balliol College, for many valuable suggestions.

For agrarian matters generally I have referred to the *Gromatici veteres* of Blume, Lachmann, and Rudorff, 2 vols., Berlin, 1848, 1852: as well as to Becker and Marquardt, vol. iii. pt. 3, and the new edition (Mommsen and) Marquardt, vol. iv. pp. 430 foll., and Lange, Röm. Alt. for the history. There are some useful extracts from the agrimensores in Bruns, pp. 242-249, but their statements require criticism.

§ 1. *On the Date of the Agrarian Law.*

There can be no reasonable doubt that the law was passed in the consulship of P. Cornelius Scipio Nasica and L. Calpurnius Bestia, V.C. 643, B.C. 111.

To take only the most decisive arguments—

(1) The censors of the year 639, L. Caecilius and Cn. Domitius, are mentioned lines 28, 85, 88.

(2) Cn. Papirius consul of line 89 is the consul of the year 641—as his law added something to that of the preceding censors.

(3) M. Livius, L. Calpurnius (line 29) are the consuls of 642.

(4) P. Cornelius, L. Calpurnius (line 95) are the consuls of 643.

(5) The censors above mentioned are so spoken of in the law as to make it appear that they are the last created before it passed. But new censors came in V.C. 645. Cp. lines 34 and 35 together.

(6) The *messis* and *vindemia* of the year 643 are spoken of as future: hence Rudorff has made it very probable that it was passed in that year between Jan. 1 and the summer.

§ 2. *On the Object of the Law.*

The only author who mentions this law is Appian, Bell. Civ. i. 27. He there speaks of three laws passed to subvert the Sempronian. (1) One to permit the Gracchan possessores to sell their lands, a proceeding which had been forbidden by the Sempronian laws. The result of this was that the rich bought up the lots and matters only became worse. The author and date of this law is unknown, but it may have been 633 or a little later, i.e. just after the fall of Gaius.

(2) This went on till a tribune, called in the MSS. of Appian **Σπούριος Βόριος**,

but generally identified with Sp. Thorius, repealed the Sempronian law entirely about v.c. 635 or 636. He forbade any further division by the commissioners, ratified the existing possessiones, and imposed a vectigal, the sum of which was to be divided among the people. This identification is probably correct, but we have great difficulty in reconciling Appian's words with those of Cicero, Brut. xxxvi. 136, 'Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit.' Cicero seems to say just the reverse of Appian, that he 'relieved the public land of the vectigal by a vicious and useless law,' which is the natural sense of the words. Nothing is gained by making *vectigali* epithet to *lege*, and so Mommsen is obliged to turn it into the instrument, and to render 'relieved the public land from a vicious and useless law *by imposing a vectigal*'—which is extremely harsh. Probably either Appian or Cicero made a slip in the name. The only other reference to the Thorian law (Cic. de Orat. ii. 70, 284) throws no light upon its provisions. The date is decided by an obscure statement of Appian (l. c.) that after fifteen years spent in idle litigation, the people were deprived of all the benefits promised by the Sempronian laws (πεντεκαίδεκα μάλιστα ἔτεσιν ἀπὸ τῆς Γράκχου νομοθεσίας, ἐπὶ δίκαις ἐν ἀργίᾳ γεγονότες). Counting these fifteen years from 621, we get 636 as the year for the Thorian law which abolished the *triumviri agris dandis adsignandis*.

(3) The third law is mentioned by Appian alone, Ἅπαξ δὲ τοῖς σοφίσμασι τοῖσδε τοῦ Γρακχείου νόμου παραλυθέντος, ἀρίστου καὶ ὠφελιμωτάτου, εἰ ἐδύνατο πραχθῆναι, γενομένου, καὶ τοὺς φόρους οὐ πολὺ ὕστερον διέλυσε δήμαρχος ἕτερος, i.e. 'another tribune abolished even the vectigalia.' This is almost without doubt the law of which we have here the fragments. The date 'not long after' agrees fairly with the space of seven years between the Thorian law and v.c. 643, and the abolition of the vectigal is expressed in lines 19, 20, 26. We only know of two tribunes of this year, C. Memmius, a popular tribune, and his opponent, C. Baebius, who *may* be the author of this law. At any rate it was a tribune who took the side of the nobility against the people.

§ 3. *The History of the previous Agrarian Laws.*

The best introduction to the complicated provisions of this law will be a short sketch of the history of the *ager publicus* and the attempts made to divide it.

The *ager publicus* is the land conquered or otherwise acquired by the state and is the property of the community—the Quirites. Such land may either (1) be assigned by law as private property (*agrum dare, adsignare*), or (2) it may be sold by auction like other *praeda*, in which case it was called *ager quaestorius*, (see § 7, 3 (1) and commentary on l. 45), or (3) it may remain *ager publicus*, and while the dominium continues in the hands of the state its use may be allowed to private citizens, either as pasture land let to several persons (*ager compascuos*) for which a *scriptura* of so much per head of cattle is expected, or in separate estates held by individuals for which a rent (*vectigal*) is paid. This rent is stated by Appian (Bell. Civ. i. 7) to have been one tenth of sown crops, and one fifth of fruits, but there is reason to believe that this rent was sometimes raised. For instance, l. 88 enacts that no magistrate is to make a change in the conditions of tenancy established by the censors L. Caecilius and Cn. Domitius. Cp. l. 82, n. This tenure is commonly called *possessio*

and the tenant *possessor*, the term being used naturally enough to indicate that his tenancy was incomplete ownership. For though in private property the *dominus* was also generally the *possessor*, yet the two persons were not necessarily united, e.g. when an estate was the subject of litigation the dominus was, ex hypothesi, uncertain, though the possessor was easily ascertained, or again when a *res mancipi* was sold by simple tradition the *possessor* did not acquire dominium till after the time necessary for usucapio had elapsed. *Occupare* and *occupatio* hardly seem to be technical terms in reference to *this* tenancy, though they may be naturally enough used of it.

More difficult and more important is it to determine the duration of the lease and the terms under which it was granted. What in fact was the *censoria locatio* and what exactly is meant by *agrum fruendum locare*? Scholars up to the time of Niebuhr took it to refer to the assignment of lands to possessores, and so Becker and Marquardt, but without discussing the other view (Handb. vol. iii. pt. 2, p. 140. The new edition is not yet out.) Niebuhr, however, has made it very probable that these terms refer to the letting of the vectigal to publicani for collection. In the first place a locatio or letting by auction, if made to the possessores, would imply that their quit-rent was not fixed to a certain proportion (whatever it might be) of the crops. Again it appears that it took place at Rome, which it could hardly have done if ordinary provincial farmers were interested in it (Cic. Verr. II. iii. 6, cp. de Leg. Agr. ii. 21, 55): and in the same place the land in question in Asia is said, by Cicero, to have been restored to its old inhabitants, which is inconsistent with the idea of a possible constant change of tenancy. Yet he proceeds 'is ager a censoribus locari solet.' Other passages might be adduced to the same effect: perhaps the most decisive is Cic. de Lege Agraria, ii. 19, 50, 'adiungit agros Bithyniae regios quibus nunc publicani fruuntur: deinde Attalicos agros in Cherroneso: in Macedonia, qui regis Philippi sive Persae fuerunt qui item a censoribus locati sunt et certissimum vectigal.' The conjunction of these words 'fruuntur . . (agri) locati . . vectigal' seems to make it certain that *fructus* is here used in the sense of the net-profit or vectigal going to the state, not, as we might have supposed, the usu-fruct accruing to the possessor. (So again ibid. 30, 83.) The importance of this point is of course that it proves the tenancy to have been much less uncertain than we should have otherwise had to suppose. In fact there seems no reason for believing that the possessio when once granted could be revoked except by an Agrarian law. It became a regular piece of property, which could be bought and sold, mortgaged, leased, divided, inherited, etc. This accounts both for the great eagerness to obtain grants of public land, and the revolutionary character attributed to the authors of agrarian laws. These measures were no doubt strictly legal, but they upset a number of reasonable expectations and introduced great confusion and embarrassment. They were hardly less acts of confiscation than would be the resumption of land in England by the crown on the theory of feudal lordship—only they had this in their favour, that constant agitation kept alive the sentiment of state dominion, and that land gave apparently the only opening for productive industry. Hence it was difficult for a would-be patriot to devise any other means of helping his poorer countrymen, the abolition

of the real source of evil, slavery, being a thing unthought of in ancient times. There is a good summary of the evils which the Gracchi wished to reform in Appian, Bell. Civ. i. 7, and of the evils which they themselves introduced, ib. 10 and 18, and the whole may be taken as applying to such laws in general.

The beginning of the struggle must be dated very early in Roman history. The patricians were at first alone entitled to the ownership of the ager publicus, though rights in it had in time to be conceded to the plebs. Nevertheless it was not the poor among the plebs who had the capital to undertake, or the interest to gain, from the consuls (or censors) under direction of the senate, an occupation of newly conquered territory. This was granted to patricians or rich plebeians, whose interests were thus detached from those of their poorer brethren. The *latifundia* or broad possessions thus acquired were not even worked by plebeian labourers, as slaves cost less to keep and could not be taken away to serve in the army. Nor was the *vectigal* (even if exacted regularly) of any use in relieving the poor plebeian, as it went into the aerarium, the key of which was in the hands of the consul and the senate. Poor plebeians had to be contented with an assignment of two *iugera* (*heredium*) in a military colony set upon a great road in the newly conquered district.

This state of things naturally led the *plebs* to desire by some legal means to improve their position, especially when they found themselves encumbered by debt, the result of the wars that followed the expulsion of the kings. For the Roman plebs, consisting of a number of small landholders, suffered by war in a variety of ways. First, by destruction of their farms and devastation of the crops. Secondly, by their own enforced absence as soldiers, which besides often gave a grasping neighbour an opportunity to encroach upon their land. Thirdly, by being liable to the land-tax (*tributum*) imposed in time of war. This had to be paid in coin, and consequently ruinous debts to the patricians, and even legal slavery, were the results. These causes, among others, led to the various secessions and constant agrarian commotions.

The patricians, on the other hand, were debarred both by law and custom from commerce or other speculation, and this led them to be grasping in regard to land and to be given to secret usury.

The first magistrate to take the cause of the plebs in hand was a patrician, Sp. Cassius Viscellinus, consul, who had restored the league with the Latins. He promulgated an agrarian law, that the land conquered from the Hernici should be divided *viritim* amongst plebeians and Latins, and if this were not sufficient, a part of that occupied by possessors was to be resumed by the state. This law was naturally not acceptable to the patricians on the one side, because it increased the power of the comitia centuriata at the expense of the senate, on the other, because the *possessiones* had already come to be treated as private property to be sold and inherited, and had naturally been much improved by the occupiers. The plebeians, on the other hand, did not care for the provision to benefit the Latins, and yielded to the promises of the patrician party, which were never fulfilled. Cassius died a violent death, how it is not exactly known, and was made in after times (it would seem most unjustly) a stock example of a self-seeking demagogue.

Between this attempt of Sp. Cassius and the Licinian laws, 377 V. C. and B. C., there were many ineffectual attempts to pass measures to resume and redivide the public land, which were staved off by the upper classes by various means. The most honest of these were the foundation of new colonies, the assignation of newly conquered territory to plebeian owners, and especially the payment of the military *stipendium* from the treasury (*aerarium*) and consequently from the proceeds of the *vectigal*, which implied a great lightening of the *tributum* or land-tax. This measure is probably to be assigned to the patriotism of the great Camillus (censor V. C. 351). Nevertheless the social position of the plebs grew worse and worse, and was not lightened by attempts such as that of M. Manlius to relieve them. At last the tribunes C. Licinius Stolo and L. Sextius Lateranus determined to win the sympathy of both classes of the plebeians, by combining in a *lex satura* enactments which should improve the social position of the poor with others that should increase the political power of the rich. This is not the place for a discussion of the other provisions, which were important as a new assumption of the power by the *comitia tributa* (see Lange, i. p. 573 foll.). The second article, on the *ager publicus*, forbade *ne quis plus quingenta iugera agri possideret*, that is, probably a limitation of the *possessio* in its technical sense of public land. It contained also an order for the number of free labourers to be employed on each estate as well as slaves, and a provision that no one should feed on the common pasture more than 500 head of small and 100 of large cattle. How the land which was thus recovered was to be employed is not now known to us; it was perhaps divided *viritim*, but of this evidence is wanting. The punishment for transgression of the limits of the law was a fine imposed (*inrogata*) by the aedile, and brought before the *comitia tributa*. But it was not difficult to evade the law: and Licinius himself was afterwards tried for possessing 1000 iugera, 500 of which he held in his son's name, whom he had emancipated with this intention (Liv. vii. 16, etc.). And we read that it was in fact constantly evaded, App. Bell. Civ. 1, 8, Plutarch, Ti. Gracchus, 8.

The same causes which had produced the Cassian and Licinian laws acted with even greater force to inspire the Sempronian (V. C. 620, B.C. 134). The ever increasing growth of the *latifundia*; the poverty of the small possessors following the Hannibalic war; the enormous number of slaves which the Roman victories, especially in Sardinia, Gaul, and Africa, had brought into the market; the depopulation and perhaps consequent unhealthiness of the country; the degeneracy of the urban plebs in character, and the readiness which they showed to live on state doles and the alms of the nobles—were facts which might well engage the attention of a thoughtful man. (See Lange, iii. p. 1 f. § 136.) These things seem specially to have struck Ti. Gracchus on his return in 617 from the army before Numantia. The outbreak of a slave rebellion in Sicily might do much to open the eyes of other men.

The Lex Sempronia agraria was promulgated directly he entered upon his tribunate, Dec. 10 V. C. 610. Being strongly opposed by his colleague M. Octavius, Gracchus, after doing everything to induce him to recall his intercession, obliged him to give up office by taking a vote of the tribes against him; and the law was

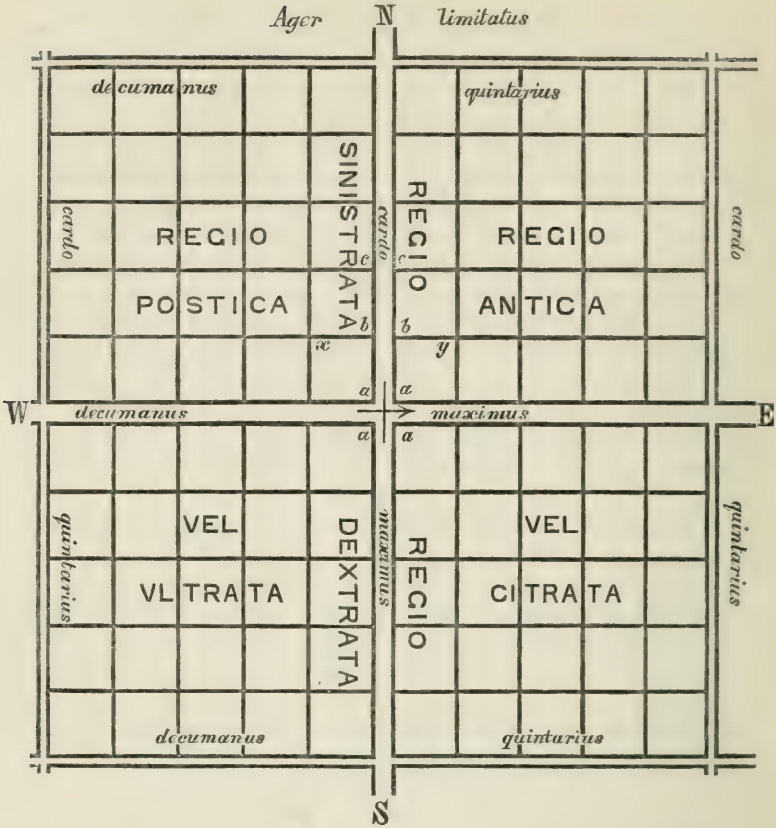
at last carried (V. C. 621). It was a development of the Licinian law, with the following provisions, (1) while each possessor was restricted to 500 iugera, fathers of two sons might hold 1000—a *vectigal* being still paid; (2) possessors of larger portions were to be compensated for improvements out of the aerarium; (3) the land resumed by the state was to be redivided, *viritim*, by a nominally annual but practically permanent commission of three *tresviri agris dandis adsignandis* (cp. Appian, i. 9, and Mommsen, Bk. iv. c. 3. p. 101); (4) such allotments were not to exceed 30 iugera and could not be sold: they must also pay a *vectigal* to the state; (5) certain portions of public land, such as the *ager Campanus*, were not to be divided; (6) lastly, it seems that any new occupations of public land were forbidden. (This is Mommsen's inference; see C. p. 87. I. 2.)

The first commission consisted of the two Gracchi (Gaius being nine years younger than his brother) and Appius Claudius Pulcher, father-in-law of Tiberius. They were soon met with the difficulty of deciding which was public and which was private land; and their powers had to be increased by a second law, which provided 'ut idem triumviri iudicarent, qua publicus ager, qua privatus esset.' This wide extent of power was taken away—four years after the violent death of Tiberius Gracchus—by a proposition of the great Scipio Aemilianus, who represented the cause of the Latini, many of whom were interested in opposing the law. This led practically to a standstill of the commission for the next six years. It was not till ten years after the death of his brother that C. Gracchus proposed and carried his agrarian law. This was speaking generally a re-enactment of the former in a systematic form with some additions. The necessary judicial power was of course restored, and somehow or other the interests of the Latins were conciliated. Power also was given to make roads between the lots of the small possessors. It may perhaps be inferred from Appian's words about the Thorian law (above p. 441) that Gaius had abolished the *vectigal*, at least to some extent. Livius Drusus certainly did so, according to Plutarch, C. Gracchus, c. 9.

We have already noticed the laws which superseded the Sempronian shortly after the violent death of C. Gracchus, of which the one before us is the third and last.

§ 4. *Explanation of some common terms in the Mensuration of Land.* (See Rudorff, Gromatische Institutionen, vol. ii. of the Gromatici, esp. pp. 279 f. 336 f. 342–356.)

The unit of agrarian measurement is a square of twelve ten feet rods, or forty yards square, called an *actus*. The rod or perch is *decuria*, *decempeda*, *pertica*. The square rod is *scriptulum*. The term *actus* is supposed to denote the length of a furrow suitable to the strength of oxen, 120 feet long (Colum. ii. 2, 27). Two *actus* make a *iugerum* (or *yoke* of land) 120 ft. × 240 ft. The ordinary way of measuring out land was as follows. The *groma* (Greek γνῶμα) was a cruciform machine of wood (hence sometimes called *stella*) supported on an iron leg (*ferramentum*) coming from the centre and fixed in the ground. It was used by agrimensores to mark out the land in lots by lines exactly perpendicular to each other, tested by looking along the cross in opposite directions, and backwards and forwards, *signa* or *metae* being set up at each end of the lines, which



+ = *Groma.* Each angle of a *centuria* had its *terminus* marked according to its position in reference to the two principal lines. Those given in the woodcut are only specimens from which the others may be easily inferred.

a KMDM = kardo maximus decumanus maximus. *b* KMDII = kardo max. dec. secundus. *c* KMDIII etc.

x, *y* are called *anguli clusares.* *x* SDIVKI = sinistra dec. primum, ultra kardinem pr. *y* SDIKKI = sinistra dec. pr. kitra kard. primum.

of course were obliged to cover one another (*consumere*). It would seem that the augur, or whoever drew out the division, stood himself upon the centre of the *groma*, and according to the direction he took the four regions were named. The most usual aspect of the augur, though not the earliest, was towards the east. (The oldest known was towards the west.) Hence the region in front of him was called *antica* or *citrata,* that behind him *postica* or *ultrata;* that on each side *dextrata* and *sinistrata.* The line from east to west was called *decimanus,* and was the most important and the broadest; that from north to south was the *kardo* or *cardo.* The two principal of these lines were public

military roads. On each side of them were *limites* dividing the land into square plots called centuries. Every fifth limes (*quintarius*) was also a road, but not so broad as the two principal lines. The others were generally merely lines of demarcation (*limites linearii*), though in Italy they were rough agricultural roads for the occupiers, eight feet broad (*subruncivi*). The lots lying between the limites were square in shape but varying in size according to the enactment which was being carried out at the moment. The oldest and commonest size for a lot was two hundred iugera, and possibly it may have been called *centuria*, as containing 100 *bina iugera*, which last was the ordinary amount for an *heredium*. Pieces of land smaller than a century, cut off in irregular shapes outside the limites, were called *subseciva*. These might either be on the outskirts of the *ager*, or round a colony, a fortress, or a piece of common pasture (*ager compascuus*, *communia*) which might be in the centre of the territory. The centuries were marked out by *termini*, stones or stakes with letters upon them indicating their distance in this or that direction from the centre and from the main lines of division. By this means each single lot had, like the squares on a chess-board, its proper notation. Examples are given on the diagram. It is noticeable that K is the regular initial for *citra* as well as *cardo*, cf. Introd. iii. § 22. 1.

§ 5. *Argument of this Law.*

The law evidently consists of three parts, although the *rubricae* are absent.

I. De agro publico P. R. in Italia (lines 1–44 ?).

II. De agro publico P. R. in Africa (45–95).

III. De agro publico P. R. qui Corinthiorum fuit (96–105).

That it did not contain regulations as to more than two provinces is inferred from the mention of the *duovir(ei)* line 57, cp. 52.

I. On the Ager Publicus in Italy.

This part may be divided roughly into three sections—(1) Lines 1–24 defining *ager privatus*; (2) 24–32 defining *ager publicus*; (3) 33–44 on disputed cases.

Line 1. Title or *Praescriptio*.

1–7. Land *left in possession*, *given* or *assigned by Sempronian commissioners* to be private. 7–10. Definition of the rights of *ager privatus*.

11–13. Land granted to *viasii vicani* by Sempronian commissioners to remain in their possession, but to be theoretically *publicus*.

13, 14. Land occupied since 621 [*agri colendi cau*]*sa*, not over xxx iugera to be private.

14, 15. Those who hold *ager compascuos* may pasture 10 head of greater and . . . of lesser cattle free of *vectigal* or *scriptura*.

15, 16. Possession of land granted by the commissioners in a colony since 621 to be confirmed before the Ides of March next.

16, 17. The same for land granted otherwise by the same.

18. Such occupants if *forcibly* [or otherwise] ejected to be restored.

19, 20. Such *ager privatus* not to be subject to *scriptura* or *vectigal*.

20–23. Land assigned by the Sempronian commission, *in compensation for land in a colony which had been made public*, to become private.

23, 24. Confirmation of the title or restitution of such land to be made before the Ides of March next.

24, 25. LAND besides this *which remains* PUBLIC *is not to be occupied*, but to be left free to the public for grazing. Fine for occupation of it.

25, 26. Number of cattle that may be let to graze freely on such land.

26. Freedom of grazing on public roads and paths without *scriptura*.

27. *Land given in compensation* out of public land to be *privatus utei quoi optuma lege*.

27. Land taken in this way from private ownership to be *publicus* as in 621.

27, 28. *Land given in compensation* for *ager patritus* to be itself *patritus*.

28. *Public roads* to remain as before.

29. Whatever *Latins* and *peregrini* might do in 642, and whatever is not forbidden citizens to do by this law, they may do henceforward.

29, 30. Trial of a *Latin* to be the same as for a Roman citizen.

31, 32. Territory (1) of *borough towns or colonies*, (2) *in trientabulis*, to be, as before, public.

33, 34. CASES OF DISPUTE about land made private between 621–643, or by this law, to be judged by the consul or praetor before next Ides of March.

35, 36. *Cases of dispute* after this date to be judged by consuls, praetors, or censors.

36–39. Judgment on money owing to publicani to be given by consuls, proconsuls, praetors, propraetors. Regulations for the appointment of *recuperatores* and carrying out sentence.

40. No one to be prejudiced by refusing to swear to laws contrary to this law.

41, 42. No one to be prejudiced by refusing to obey such laws.

43, 44. On the colony at Sipontum?

II. ON THE AGER PUBLICUS IN AFRICA.

This part of the law seems to fall into two sections—(1) 45–78 defining land that is to be *sold* and rights concerning it; (2) 78–96 on *ager publicus P. R. a censoribus locari solitus* (see p. 457).

45–50. The AGER PUBLICUS in Africa, with certain exceptions, is to be SOLD by certain magistrates at Rome. Different precautions for the recovery of the purchase money.

50–52. On the tenure of this land?

52–58. Colonists to make their claims to the commissioner appointed under this law for land held or bought by them.

58–61. He is to confirm their claims, if proved, and make the land held by them private property.

61–64. Land bought by them is to be confirmed as *privatus vectigalisque* to them or their representatives.

65, 66. If land has been sold to two persons, the commissioner to give compensation to the one not confirmed in his possession.

66, 67. Compensation to a colonist whose land has been sold by the people,

67, 68. and to one who has purchased from a colonist.

68, 69. Similar compensation to a purchaser from the people, when his lot has been adjudged to a colonist already in possession.

70. The publicanus who has bought up the liabilities of purchasers, who have not paid within a certain period [120 days], is to pay in his own purchase money to the state on the Ides of March.

71, 72. After this he has the right of exacting the money from the purchasers, who cannot free themselves on the plea that they have paid up to the state in the interval.

73. The sureties and securities which must be given by purchasers who have not paid within 120 days after the sale.

73, 74. The lots of those who do not furnish such securities to be resold for ready money.

75, 76. If land granted to a free state, or to deserters in the war, has been sold, compensation is to be made.

77, 78. Similar compensation to stipendiarii.

78–82. LAND not already disposed of in these or other ways—e. g. land given to the kings of Numidia or the site of Carthage—is TO BE SUBJECT TO VECTIGAL, DECUMAE, AND SCRIPTURA.

82. Tenants freed by the law of C. Gracchus, 'de provincia Asia,' to remain free from vectigal.

83. A peregrinus in this matter to have equal rights with a citizen.

84. [Out of place.] Purchasers who have given securities, but not paid the publicanus in a certain period, to owe him three times as much and give further securities.

85, 86. The *vectigal*, etc. to continue as it is now.

87. But the publicani may bid higher if they choose.

87–89. No magistrate to change the terms of possessio in the interest of the publicani.

89. *Viae publicae* to remain as at present.

90. If a claim is made contrary to this law, the portion of land is to be taken away and awarded to the informer.

91. If a claim has been rightly allowed, but the land has been sold, compensation is to be made from the land.

92. No one is to pay vectigal on land taken from him.

93. Manner of judging *ager vectigalis* ?

94, 95. How crops and fruits are to be stored ?

III. ON THE AGER PUBLICUS WHICH BELONGED TO THE CORINTHIANS.

96, 98. The *land of Corinth* to be measured.

99–101. The sale of this land, and giving securities for its price.

102. Judgment of the praetor.

103–105. Uncertain fragments.

§ 6. *De Agro Publico P. R. in Italia* (1–44). Pp. 189–197.

Mommsen, pp. 87–91.

It is to be remarked that the land here treated of is that only which was public at the time of the first Sempronian law, v. c. 621, together with that which was afterwards under that law changed from private to public, but that nothing is here enacted about land which was and remained private in and after 621.

The gist of the law, then, is to distinguish what kinds of land falling under this description are to remain public and what to become private.

There are (according to Mommsen) *seven* descriptions of land which are to be private, and *seven* to be public.

I. *Ager privatus*, under this law, i.e. land which may be bought or sold and which is to be reckoned in the census (l. 8), and which is not to pay vectigal, consists of the following *seven* descriptions. [N.B. I have not here followed Mommsen's arrangement, the principle of which is, to say the least, obscure, but, as far as possible, that of the law itself. I have added Mommsen's numbers, so that those who wish may judge as to the merit or demerit of the change.]

(1) [M. 2.] Land under 500 iugera, etc. *left in possession* of the original or existing occupants by the Sempronian commissioners (line 2).

(2) [M. 4.] Land *assigned* by the same commissioners *in a colony* (*sortito*) (lines 3, 15, 16).

(3) [M. 5.] Land *divided* by the same *viritim* (lines 4–6).

(4) [M. 3.] Land *assigned* by the same *in compensation for land in a colony* (taken from the possessors and made public) (lines 21–23, 4 ?).

(5) [M. 1.] Land *assigned* by the same *in compensation for other land taken from the possessors* (lines 27, 28, 4 ?).

(6) [M. 6.] Land occupied by new possessors, [*agri colendi cau*]*sa*, and under xxx iugera, between 621–643 (lines 13, 14).

(7) [M. 7.] Land which this law allows *to be sold*, etc. (line 12, cp. 32,) of doubtful import.

II. *Ager publicus*, according to this law (following Mommsen's arrangement):

(1) *Territory of colonies or municipia* (line 31).

(2) Land given *in trientabulis*, i. e. as guarantee to the public creditors, who lent money to the state in the Hannibalic war (line 31).

(3) Land given to the *viasii vicani* by the Sempronian commission, i. e. to persons having the duty of keeping up public roads (lines 11, 12).

(4) *Ager compascuos*. Public land occupied by several persons with a common right of grazing (lines 13, 14). No vectigal or scriptura to be exacted for it.

(5) *Viae publicae*.

(6) Land *excepted from division in the Sempronian Law*, i. e. ager Campanus (passim).

(7) *Other public land*, chiefly wastes. Not to be occupied, but (with public roads and paths) to be left free for all persons to graze cattle upon (lines 24–26).

NOTES on the Section *de Agro Publico P. R. in Italia.*

1. On the *praescriptio* see on Lex Rep. ad init.

In terram Italiam, elsewhere *in terra Italia*, lines 4, 7, 13, 33, though Mommsen (perhaps merely for the sake of preserving the average) restores it in the supplement of line 10. The distinction in the use of the cases with *in* does not seem to have been so decided in early as in later Latin. We have similar variations from ordinary usage, e. g. line 55, '*in provinciam* er[it],' and again line 74, '*in publico obligatum*,' and 75, '(*in*) *amicitiam* populi Romani . . . manserunt,' as well as '*in urbem Romam* . . [*domicilium non habent*],' Lex Rep. 13 and Lex Iul. Mun. 20, etc.

Many instances have been quoted from older authors; the following, amongst others, seem certain: Plaut. Amph. 180, 'mi *in mentem* fuit,' ibid. 710. Cp. Gell. i. 7, 17 and others with the same phrase, Bacch. 159, Ter. Ad. 528, Haut. 986, S. C. in Cic. ad Fam. viii. 8, 8, '*in provinciam* cum imperio fuerunt.' See Draeger, i. p. 617.

P. Mucio L. Calpur[nio cos.], i. e. the year of Ti. Gracchus, v. c. 621. *Mucio*, so below 4, 13 and Sent. Minuc., q. v.

[*exceptum* . . *nei divideretur.*] This exception, which recurs continually, refers to the *ager Campanus* of which Cicero says, against Rullus, de Lege Agr. ii. 29, 81, 'nec duo Gracchi . . . nec L. Sulla . . . agrum Campanum attingere ausus est.' It was very rich land and paid a considerable *vectigal* to the state, and therefore was worth keeping. Caesar, however, in his agrarian law, as consul (B. C. 59), assigned lots in it to the veterans of the Asiatic army, to be saleable after twenty years. It was a strong point against Antony that he divided it amongst his associates: Cic. Phil. ii. 39, 101, 'Agrum Campanum qui cum de vectigalibus eximebatur ut militibus daretur [i. e. lege Iulia] tamen infligi magnum reip. vulnus putabamus, hunc tu compransoribus tuis et collusoribus dividebas.' It is to be remarked, however, that C. Gracchus, though he excepted the *ager Campanus* in his agrarian law, proposed to divide some part of it in his later law for founding a colony at Capua: and to this there is seemingly a tacit reference in the text.

3. *sortito*, i. e. in a colony. New colonies formed no part of the scheme of Tiberius Gracchus, but they were one of the leading ideas of Gaius. That to Carthage is of course spoken of under the second section. In Italy he carried out one at least to Tarentum, and projected another to Capua. Further, his opponent Livius Drusus, who, in the interest of the senate, tried to outbid him for the favour of the people, carried a bill for founding twelve, but of these only Scylacium seems to have been actually founded. It is to these two, at Tarentum and Scylacium, that Mommsen supposes reference here to be made. It does not appear, however, why we should restrict the reference of this clause to new colonies only, especially as Mommsen himself (on the next page, 88 a) shows that C. Gracchus added, or intended to add, a number of new colonists to the old colonies, in which case land was also distributed *sortito*.

4. This clause is of course conjectural. Mommsen makes it refer generally to all land given *in compensation* for land either in a colony or elsewhere, which the commissioners had taken out of private hands and made public. More exact

regulations about such titles to such land are given below lines 21–23 and 27, 28.

5. *quod eius* IIIvir *dedit adsignavit.* This is referred by Mommsen to ager publicus divided *viritim*, i. e. to an indefinite number of citizens, not, as in the case of a colony, to a select body. Such land was called *viritanus* (Fest. Epit. p. 373), 'Viritanus ager dicitur qui viritim populo distribuitur,' and is to be carefully distinguished from *ager coloniarius.* Mommsen has shown that where Livy combines the two he is either speaking loosely or in error (Liv. iv. 48, v. 24). The manner of dividing land viritim was *in nominibus.* Probably those who conducted the division first measured and portioned out the country (*saltus*) into lots of two, or later generally of seven, *iugera*, and then opened a list of names on which any citizen might put himself down, and in that order registered the name against the lot marked on the roll of division. Mr. Davidson, however, supposes that the words *in urbe*, etc., may refer to town-buildings given to colonists along with their farms (l. 3).

6, 7. Here follows (according to Mommsen) a general clause summing up the preceding descriptions of land as *given*, *assigned*, *left in possession*, or *registered* by the Sempronian commissioners, and 7–10, the conclusion of the whole, that this land should henceforth be *privatus*, and defining accurately what the rights of ownership over it are.

Mr. Davidson sees more in *reliquit*—a side-wind legislation, making private all the public land on which no decision had as yet been given. But this seems to me doubtful.

11. *viasiei*]*s vicaneis.* This name is found only here and line 12 [*vi*]*asieis vicanisve*, and nothing certain is known about them. *Viasius* would of course be in later Latin *viarius.* Mommsen says, 'Videntur fuisse quibus ager publicus iuxta viam publicam attribuebatur ita, ut tamdiu ipsi heredesve eorum haberent, quamdiu via recte muniretur.' Either then they sent their own labourers to work, as Cato says (R. R. 2), that on holidays the 'familia' is to be employed in mending the roads, or paid a *vectigal* for the purpose, of which there are one or two traces in inscriptions. Mommsen further supposes the different Fora Appii, Claudii, Flaminii, Iulii, Popilii, Sempronii, and others, to have been originally vici of these *viasii* or *viarii.* Cic. ad Fam. viii. 6, 5 speaks of a proposal of Curio's as 'legem viariam non dissimilem agrariae Rulli.'

In the supplement Mommsen inserts IIIvirei *a. d. a.* although above we have IIIvir in lines 3, 5, 7, because in those cases grants to individuals are spoken of, but here the grants are to communities.

14. The supplement [*agri colendi cau*]*sa* is due to Rudorff, cp. Sent. Minuc. 31, 'Praeter ea in eo agro niquis posideto nisi de maiore parte Langensium Veituriorum sententia, dum ne alium intro mitat nisi Genuatem aut Veiturium *colendi causa.*' This fresh occupation of land was not permissible under the Sempronian law, or else it must have been classed under that head at the beginning of this one, but it seems, at some subsequent time, to have been again allowed up to the limit of thirty *iugera.* We may fairly conjecture that after the Lex Thoria had abolished the *tresviri* matters began to return of themselves into their old channels.

and this had now been passed about seven years. See, however, note on the Popilian milestone (n. 551. l. 14), which would perhaps make it earlier.

iugra for *iugera*, so line 25, and cp. *domneis* line 27, *tableis* 46.

agrum compascuom This is pasture land occupied by a limited number of private individuals or commoners, and opposed to *public* pasture land (line 25), of which it is said *neive is ager compascuos esto*. Mommsen quotes a decisive passage from Frontinus, de Controv. p. 15, Lachm., 'Est et pascuorum proprietas pertinens ad fundos sed *in commune*; propter quod ea compascua multis locis in Italia *communia* appellantur, quibusdam provinciis populi Romani *indivisa*.' Such rights, we learn from an opinion of Scaevola (Dig. viii. 5, 20), might follow the sale of the estates of the commoners.

pequdes maiores, i. e. boves, equi, muli, asini. The number of head of smaller cattle that might be pastured *sine scriptura* is lost, but Rudorff conjectures, with probability, that it was 50, a proportion observed in the Licinian law (Appian, Bell. Civ. i. 8), which allowed 100 larger and 500 smaller cattle.

15. The construction is very involved, '*quoi ceivi Romano* IIIvir *eius agri*, *quei ager . . . . fuit*, *agrum dedit*.'

sortito, so *sorti*, l. 16. Cp. line 3. Here, as there, land in a colony precedes *ager viritanus*.

16. [*ex h. l. . . . ius deicere oportebit*], i. e. consul or praetor, line 33.

The *Ides of March* appear to have been the beginning of the financial year at Rome. It was not indeed necessarily the day of the censorial *locationes* (as Macrobius states, Sat. i. 12, 7, e. g. line 21, we have one as XI *k. Oct.*), but it was the day from which all public leases or contracts dated.

secundum eum heredemve eius, 'in his favour or that of his heir:' cp. 'vindiciae *secundum* libertatem.'

18. *neque vi neque clam neque precario*: these are the three regular flaws in possessio, whether of public or private land, and so possession *neque vi*, etc. was protected by the praetor, by the interdict, 'uti possidetis,' Digest. iv. 3, 17, 1, and Festus, s. v. Possessio, p. 233 M., 'uti nunc possidetis eum fundum Q. D. A., quod nec vi nec clam nec precario alter ab altero possidetis, adversus ea vim fieri veto.' *Clam* of course means clandestinely, and *precario* on sufferance, or by leave of the other party. The latter is illustrated by such an inscription as C. 1215 (cp. 1109), PRIVATVM | PRECARIO | ADEITVR. Mr. Davidson compares the distinction of Scotch law between 'roads of good neighbourship' and 'rights of way.'

19. In this clause we have the abolition of *vectigal* and *scriptura* for all land which had become *privatus*, thus repealing apparently the provision of the Lex Thoria. The day on which *vectigalia consistunt* is probably the Ides of March.

21. *oina quom* = una cum. *Trans Curione* for *trans Curionem*, either by an enallage of case, such as we have noticed above, line 1, q. v., and such as we again seem to have below line 74, *in publico obligatum*; or merely a loss of final *m*, such as appears above l. 10, in *sententia(m)*. What this land is is wholly unknown.

formula togatorum apparently means 'according to the census of the Roman empire.' The supplement is illustrated by such passages as Liv. xxii. 57, xxvii.

10, which speak of requisitions of soldiers 'ex formula.' Cp. xliii. 6, 'Lampsacenos in formulam referre.'

[*milites in terra Italia inperare solent*] recurs line 50.

inperare is 'to make a requisition,' so with *frumentum*.

23. *testamentum* is will, *hereditas*, inheritance of an intestate, *deditio* implies both legacy and donation 'mortis causa.'

24. We now pass to the *ager publicus*. First we come to the *pascua*—distinguished from the *ager compascuos*—i. e. wastes or unoccupied public land, on which *any one* may drive a certain number of cattle without paying *scriptura*, though for more he has to pay. Enclosers of such land are to be fined for every *iuger* 50 H. S., *quotiens faxit*, possibly every day.

25. *id publicum fruendum*, etc. Note the use of *frui* here of the publicanus, and cp. note on line 31. The exact reference of *publicum* here seems to me to be doubtful. Was the right of collecting such fines let apart from the vectigal?

26. *calleis*, says Mommsen, are now called *tratturi*.

27. *optuma lege privatus*. Land which is private *optuma lege* is *avitus* and *paternus*, which was preserved to the children by intervention of the praetor if the father wished to alienate it. (Paullus, Sentent. iii. 4A, 7, Huschke, p. 380.)

28. *ager patritus* appears to be land inherited from a father, and from this passage we gather, interpreting *p. p.* with Rudorff as = *pro patrito*, that such land alone could be registered (*subsignatus*) in the aerarium; cf. Cic. Pro Flacco, xxxii. 80, 'Illud quaero sintne ista praedia censui censendo? . . . . subsignari apud aerarium aut apud censorem possint?' Huschke interprets *p. p.* = *pro praede*, giving *subsignare* the same sense that it has below, l. 73. Cp. note on l. 45. *P*(*ro*) *p*(*atrito*) *supsignent* must mean, 'register the land received in compensation for *ager patritus*,' just as *pro vetere possessore* means the man who stands in the place of the *vetus possessor*, and so commonly *pro consule*, etc. in any regimen.

[*L. Caecilio Cn. Dom*]*itio*, are the last censors before the law V. C. 639.

facteis is either a nom. pl. for *factei* (Introd. ix. § 7) or a confusion of case owing to *censoribus* above. There is the same doubt in the next line, '*in agreis . . . quei publiceis* P. R. [fuerunt].'

II*virum*. Cp. Dio C. liv. 26, *οἱ δύο οἱ τὰς ἔξω τοῦ τείχους ὁδοὺς ἐγχειριζόμενοι*, Lex Iul. Mun. l. 50, 'II*vir*(*ei*) vieis extra propiusve urbem Romam passus M purgandeis,' i.e. outside the city or the district within a mile from the walls—which is counted as part of the city. See above Lex Rep. 13.

To these officers Mommsen, following Borghesi, refers the following tituli from Campania. D. C. S. = *d*(*e*) *c*(*onsili*) *s*(*ententia*). C. 1196. M · ARRIVS · M·F | M · SEXTIVS . M·F | DVO · VIRI· D·C· S | VIAM FACIVND | ET· REFICIVND | COERAV | C. 1197. · · MAENIVS·P·F | . . OBINIVS·Q·F | DVO·VIR | DE · C·S·VIAS·F·C | They seem to have belonged to the *Vigintisexviri*.

31. We should expect to find the same exception granted to *temples*, and this is probably lost.

prove moinicipieis, a brachylogy for *prove iis oppidis quae pro moinicipieis sunt*. Cp. above *pro patrito*.

ager fruendus datus est. This might seem inconsistent with the explanation

of *agrum fruendum locare*, given in the Introduction, § 3; but firstly, the colonies and municipia had the vectigal for public purposes as well as the possessio; just as the holders *in trientabuleis* had to pay only a nominal quit-rent, and kept the real rent as a compensation for the interest of their money: and so are said *frui* as well as *possidere*. Secondly, that *frui* and *fructus* have sometimes a wider sense can hardly be denied, as in lines 88 and 92, and Lex de Term. 204.

in trientabule[*is*]. During the Hannibalic war (V. C. 544) certain private individuals lent money to the state (Liv. xxvi. 36), the *first* instalment of which was repaid in 550 (id. xxix. 16), and the *third* in 558 (id. xxxiii. 42). But money being wanting to pay the *second* instalment in 554, certain allotments of public land within fifty miles of the city, of the same estimated value were given as securities, to be held at a nominal vectigal of an *as* per *iuger*, and to be exchanged for the money, if the occupiers wished, at a future time. (Liv. xxxi. 13.) Such land was called '*trientabulum*, quia pro *tertia* parte pecuniae datus erat' (l. c.) *Trientabulum* is simply a verbal substantive from *trientare*, as *stabulum*, *patibulum*, *venabulum*, etc. from *stare*, *pati*, *venari*, etc.

33. *cos. pr. queiquomque erit.* A double jurisdiction is provided of the *consul* or *praetor* here, and below of the *consul*, *praetor*, or *censor*, line 35, and of the *consul*, *proconsul*, *praetor*, *propraetor*, line 37. The case here appears to be that of controversies arising directly from this law, and to be decided before the Ides of March next. See above lines 16, 17, 18, and the *consul* or *praetor* represents '*is quem ex h. l. ius deicere oportebit*' there. The second case (lines 35, 37) represents future controversies, either as to the right of possession against the government (line 35), or rights of ownership or freedom from *vectigal* against the *publicani* (line 37). In all three cases the jurisdiction is not the ordinary one of the praetor, but rather a matter of government administration, such as was that of the Sempronian commissioners. (It may be compared with the jurisdiction of the Revenue Courts in India. Cp. Maine, Village Communities, pp. 33, 34.) This fact (says Mommsen) explains why *censors* are mentioned, who have no jurisdiction at all according to the civil law. Their right would be in the city itself, that of the other officers in the provinces. *Censors* are not mentioned, it would seem in the first case, as being now out of office. In the third, between private persons and publicani, such questions would lie in all probability outside the city.

34. The supplement [*quei ab eo de ea re mag. adpellati erunt*] answers to line 36. [*sei quis ab eo de ea re mag. adpellaverit* . . .] . . . *quo*[*minus id impediat ve*]*l intercedat e. h. l. n. r.*, i. e. the provision that only such magistrates should be judges does not interfere with the rights of their colleagues or the tribunes to intercede and prevent such a trial. On *adpellatio* cp. note on Cato's oration in M. Caelium, p. 342.

37. *recuperatores ex ci*[*vibus*] *L.* See Rudorff's note *hh* to Puchta, § 154. The supplements are due to Mommsen, Ztschr. f. Gesch. der Rechtswissen, xv. pp. 323 foll. On the *reiectio* cp. Edictum Venafranum ad fin. Henzen, 6428, Wilmanns, 784. The limit *dumtaxat quaternos* prevents the panel from being reduced to less than three, i. e. 11–8.

quei classis primae sient. the relation of the comitia centuriata to the com.

tributa is one of the most difficult questions of Roman antiquities. See, for a good discussion of various theories, Becker and Marquardt, Handb. ii, pt. 3, p. 19 f.

38. *praevaricationus.* Introduction, x. § 13. Mommsen supplements [. . . *vel per dolum malum petitorum patronor*]*umve factum non siet.*

39. *se dulo malo* = *sine dolo malo.* A similar change of *o* to *u* before *l* occurs constantly and regularly in *tuli, detuli* for *toli,* etc., *adulescens* for *adolescens, consul, consulo* for *consol, consolo,* etc. (Cp. Corssen, ii. 138.)

40. [*non iuraverit.*] Cp. 42, *sed fraude sua nei iurato.* See Lex Bant. 17.

41. *plebeve,* generally in this law *plebeive,* so *nei* and *ne.*

43, 44. Most commentators make here the transition to Africa. Mommsen, however, conjectures that we have here provision *de eo agro quem ex h. l. vendere licet,* etc., which has come in nowhere else. The particular *colony* he thinks may have been *Sipontum,* at the foundation of which *M. Baebius Tamphilus* was one of the *triumviri* (Liv. xxxiv. 45). The exact date of its foundation is not known, but Baebius was praetor v. c. 562, and it is known to have been founded before 560. Later laws, the Licinian and Aebutian, forbade a man to propose to found a colony, and to be himself a commissioner.

§ 7. *De Agro Publico P. R. in Africa* (45–96). Pp. 197–204.

There appear to be three kinds of land in Africa mentioned in this law: 1. *ager privatus ex iure Quiritium;* 2. *ager privatus iure peregrino;* 3. *ager publicus P. R.*

1. The first kind is *ager colonicus,* which must have belonged to the colonists settled at Carthage (Col. Iunonia) by C. Gracchus in 631 v.c. Rubrius, a tribune of his party, passed a law for the settlement of a certain number of colonists, and appointing three commissioners. C. Gracchus and M. Fulvius Flaccus and another were elected and took out 6000 Roman citizens in 632, being more than the law had specified. Superstition was also aroused against them; Scipio's solemn curse was remembered, and it was stated that wolves tore up the boundary stones (Appian, Bell. Civ. i. 24, etc.) The Rubrian law was repealed by Minucius Rufus tr. pl. in the next year. This law recognises the repeal of the Rubrian, but does not deprive the colonists of their land, except by implication so far as they exceeded the number allowed in that law (l. 61). They are required to make a claim (professio) within a certain time. The lots appear to have been of 200 iugera (l. 60), but others of a smaller size were very likely also mentioned in lost portions of the law. What was done with the actual site of the city is not here recorded, but it was no doubt the policy of the optimates to keep it deserted and accursed. It is mentioned (line 81) as *ager publicus.* The roads between the centuriae were to remain public, l. 89, q. v.

2. *ager privatus ex iure peregrino* is that which belongs to the seven free and friendly states: Utica, H(adrumetum), Tampsus (Thapsus), Leptis Minor, Aquilla (otherwise Acilla, Acholla, or Achulla), Usalis, and Teudalis (or Theudalis). The same rights were given to *perfugae* (l. 76), one of whom, Himilco Phameas, is known from history as commander of the Carthaginian cavalry, who came over to Scipio with 2200 men (Liv. Ep. 50; App. Pun. 100, 109, etc.).

These lands of course paid no vectigal (l. 85), and were probably free from other taxes.

3. *ager publicus P. R.* is all other land beside these two sorts just mentioned, and, with the exception of the viae publicae, is all vectigalis; but of this there are several kinds.

(1) *ager privatus vectigalisque* (l. 49, 66) is identified by Mommsen with *ager quaestorius*, which was bought from the state, and was for all purposes private property, but like the *ager in trientabulis* had to pay a quit rent, probably nominal in amount, as acknowledgment of the ownership of the P. R. The reason for selling such land, rather than assigning it, would naturally be the wish to raise ready money for state purposes: it seems also that a sale could be authorised by a senatus consultum, whereas assignation of land required a law (see Cic. de Lege Agr. ii. 14, 35).

(2) *ager publicus stipendiariis datus adsignatus* is mentioned lines 77, 80. It is land taken from provincials, who had not been faithful or had opposed the P. R., and restored to them in possession at a certain fixed rent in money. Cicero mentions it as being the tenure of land in Spain as well as Africa (Poenorum plerisque) and contrasts it with Asia, where there was a censoria locatio, and Sicily, where the locatio took place in the island and remained on the terms fixed by the law of Hiero. (In Verr. ii. 3, 6, 12.)

(3) *agri publici regibus civitatibusve sociis et amicis permissi* of two kinds, the first given to the sons of King Masinissa by Scipio (l. 81), the second left by the ten commissioners under the Livian law to the people of Utica, and probably to other cities. It would seem that the first were encroachments permitted by Scipio, but not guaranteed by treaty, and so still technically public land. The title of the latter seems to have been less complete than that mentioned above, no. 2.

(4) *ager publicus P. R. ubi oppidum Carthago quondam fuit.* This was devoted by Scipio to perpetual desolation, 'de consilii sententia' (Cic. de Lege Agr. i. 2, 5, ii. 19, 51), a fact which it is difficult to harmonise with the carmen devotionis preserved by Macrobius, Sat. iii. 9; pp. 285, 286. It is mentioned in line 81.

(5) *Viae publicae* (line 89).

(6) *Ager p. P. R. a censoribus locari solitus,* treated of from lines 78–96: apparently all other land beside that already mentioned. It would be naturally the land of the least certain tenure and held under the hardest conditions, such as we may conceive the territory of Carthage to have been, and that of other cities taken by storm.

NOTES on the section *de agro publico P. R. in Africa.*

45. A comparison of the section about the Corinthian land (l. 96) shows that we have here to do with Africa. This part begins with regulations for the sale of what is elsewhere called ager quaestorius, probably by the quaestor urbanus with the praetor urbanus (l. 92); the business of the latter being apparently approval of securities, etc. The *manceps*, or purchaser, must be a Roman citizen (l. 76, 78, 83). The amount he has offered is to be registered in the public accounts (70, cp. 46, 100). Payment must be made within a certain day; if not, he must give sureties (*praedes, praevides*) and register securities (*praedia subsignato*, l. 73), and his debt is

considered as no longer payable to the state but to a *publicanus*, who contracted for the recovery of such moneys. Further proceedings in this case are obscure : no doubt in the last resort the *praedia* would be sold. A third case is when the manceps had no sufficient securities to offer. Here the land is taken away from him and sold by the praetor for ready money (l. 74).

This part of the law is very fragmentary, and the sense is very conjecturally restored.

52. *IIvir quei ex h. l. factus creatus erit*]. The magistrate here mentioned (as rightly restored in the supplement) is frequently referred to later on, but unfortunately the account of his duties etc., is obscure. His name is always singular, and he appears to be an extraordinary magistrate for the purposes of this law. Hence Mommsen fairly concludes that two commissioners were appointed *agris dandis adsignandis iudicandis*, and one of them sent to Africa and one to Greece. (Cp. 57, 59–64, 68, where some of these functions are mentioned.)

53. *cognitores*, cp. Lex Malacitana, c. 63, 64, Bruns, p. 102, where *praediorum cognitores* are mentioned, apparently as public witnesses to, or rather examiners of, titles.

55. *praefectus milesve in provinciam erit.* Who are meant and what was determined about them is uncertain. Rudorff thinks an extension of time in which absentees on public business might make their claim ; Huschke, permission to make it by a proctor ; Mommsen, that officials in the province of Africa were forbidden to hold public land at all, referring to Cic. Verr. iv. 5, 9, Plut. Apophtheg. Cat. Mai. 27, Marcian. in Dig. xlix. 16, 9, etc.

56. *bonorum emptore, magistro, curato*[*reve*. The first is the purchaser of a bankrupt's estate, the second a person appointed by the creditors to conduct the sale by public auction, the third a person similarly appointed to divide the estate amongst them according to convenience. (Dig. xxvii. 10, 5.)

64. *planum facere* joined with *probare*. Lucr. i. 934, etc.

65–69. Treats of a concurrence of rights when the same piece of land has been sold to two persons, or sold to one and assigned to another as colonist. In the first case the commissioner is to make a fictitious sale to one of the purchasers, of another equivalent lot for a single sestertius ; in the second case we have three sections which it is difficult to discriminate, directing what compensation is to be made to the colonist or his representative, by inheritance or purchase.

66. *centuria subsicivov*[*e*. See § 4, p. 447.

69. *pro curatore*, like *pro consule*, used for all cases. Cp. line 28 n.

72. *mercassitur = mercatus fuerit*. Cp. Introd. xviii. § 10.

74. *in publico obligatum* is strange for *in publicum*, which is the regular form. It is probably a mere slip, like those noticed on line 1. Mommsen suggests it arose from the old form *publicom*.

78. *is stipendiariei*[*s*, i. e. *iis*, Introd. xiii. § 37. The plate has *stipendiariei*. Rudorff would read *id stipendiarieis*.

82. *ex lege Sempronia*. It is supposed that the Lex Sempronia de Provincia Asia is meant. Cic. Verr. iii. 6. See Mommsen, R. H. book iv. ch. 3 (vol. iii. p. 115).

85. The *lex agri aedifici loci* are the terms imposed by the censors on the possessores. This and other indications would prove that, if the censors had not the right of substituting other tenants, they had some powers of raising or lowering the vectigal and altering the conditions on which it was paid, unless forbidden to do so, as they are hereafter in line 88. Notice that this *lex* is distinguished from that given to the *publicani*, the *lex locationis* proper. For alterations suggested by publicani cp. Cic. in Verr. lib. iii. 7, 18.

94. *comportent.* Rudorff suggests that this refers to the carrying of the tithes of corn to be stored in certain places. The next line seems to refer to produce of fruits.

§ 8. *De Agro Publico P. R. Corinthiorum qui fuit* (96–105). P. 204.

The slight fragments of this part tell us little or nothing about this land, except that the second commissioner was to go out and see that it was measured and properly divided, and that some of it should be sold. This could not have been the whole, and was probably not a large part of it, as Rullus afterwards proposed that the land of Corinth should be sold. Cic. de Lege Agr. i. 2, 5; ii. 19, 51.

98. *opusque locatio.* Such a locatio to a mensor was not allowed in private property; Dig. xi. 6, 1 pr.

EPISTULA PRAETORIS AD TIBURTES. Pp. 204, 205.

C. 201. The age of this tablet (which is now lost) is conjectured entirely by the spelling. The most certain indication is the regular doubling of consonants in it (*esse* five times, *potuisse* once), which would place it after the Agrarian law. The argument as to the absence of cognomina is not very strong as a sign of antiquity, for though they do not appear in the body of the Lex Repetundarum and the Lex Agraria, the first of these orders their use in publishing the list of iudices, 'eos patrem tribum cognomenque indicet,' line 14. There may perhaps have been a distinction between their use in the case of senators and of others, like the iudices of that law, who were not senators. Certainly the first dated S. C. in which we find cognomina is of the year 676, S. C. de Asclepiade. On the other hand, forms like *indoucere* and *oitile* can hardly be of the age of Caesar. The historical indications, the name of the praetor, and the suspicion against the Tiburtines, are not explicit enough to help us.

The document, like the Bacchanalian decree, is not a proper S. C., but a letter of the praetor, embodying most of the forms of a S. C., directly addressed to the Tiburtines, and so couched in the second, instead of the third, person plural.

1. *Sub aede Kastorus*, frequently used for meetings of the senate; and contiones were often delivered from its steps. From the Lex Bantina we learn that magistrates had to take an oath standing in front of it, and looking towards the forum. See the note there, line 17, and compare Burn, Rome and the Campagna, p. 100.

11. *af vobis.* Ritschl notices this form, De Miliario Popiliano, p. 7. It is mentioned by Cicero, Orator. 47, § 158, 'una praepositio est *af* eaque nunc tantum in accepti tabulis manet et ne his quidem omnium, in reliquo sermone mutata est.'

as well as by Priscian and Velius Longus. Besides this place, it occurs several times in inscriptions, C. 551, 8, *af Capua;* 587, Populus Laodicensis *af Lyco;* 1055, *af Lucretia;* 1143, *af muro;* 1161, *af solo; af specula* is also given in Bullett. d'Inst. R. 1864, p. 93. It occurs therefore before the letters *c, l, m, s, v.*

Corssen considers it to be entirely different from *ab*, and compares it with Sk. *adhi*. A change of original *b* or *p* to *f* is unexampled, while that of *dh* to *f* is regular. (Corss. i. 151, 157.)

LEX CORNELIA DE XX QUAESTORIBUS. C. 202.

This is part of the dictator Sulla's law for creating twenty quaestors, 'supplendo senatui cui iudicia tradiderat,' Tacit. Ann. xi. 22. It appears to have been passed at the comitia tributa, from the words *principium fuit: pro tribu*, which are all that remain of the praescriptio, which seems to have run all along the top of the plates of which this is marked viii de xx q. This plate is written on both sides, so that fourteen pages before it have been lost, and several after it. It is properly called a lex, though passed in the comitia tributa, as being proposed by a curule magistrate.

The portion that remains contains enactments as to the officials of the quaestors: the conclusion of those relating to their *scribae*, and the chief part about their *viatores* and *praecones*. These attendants belonged only to the city quaestors.

It appears that the quaestors entered office on the nones of December.

The character of the language is between that of the laws of Gracchus and those of Caesar. We have the doubled vowels *iuus*, i. 39, ii. 3, and *aacetereis*, ii. 29.

Lachmann's emendation of *caulas* for CAVIAS should be noticed. The names of the attendants are to be set up *ad aedem Saturni in pariete intra caulas*. Caulae seem to be the walls of the temple enclosure, or of that round the aerarium.

S. C. DE ASCLEPIADE, ETC. Pp. 205–209.

C. 203. This decree is a grant of privileges and friendship to Asclepiades of Clazomenae, Polystratus of Carystus, and Meniscus of Miletus, three naval captains who had been present at Rome at the outbreak of the Italian revolt, and had rendered material assistance, though in what way is not specified. The expression *in patriam dimittere*, as well as *bello Italico coepto*, makes it impossible that they were employed in checking the piracy and privateering stirred up by Mithridates, as that did not show itself till the end of the revolt, B. C. 89, though it had apparently some connection with it. (See Mommsen's description, R. H. bk. iv. ch. 8. vol. iii. p. 291.)

For a similar grant of privileges see Liv. xliv. 16. Speaking of Onesimus, son of Pytho, who had come over from K. Perses (about ninety years before this), he says, 'ad Romanos transfugit et magno usui consuli fuit. . . . Ea introductus in curiam quum memorasset, senatus in formulam sociorum eum referri iussit: locum, lautia praeberi: agri Tarentini, qui publicus P. R. esset, CC iugera dari, et aedes Tarenti emi. Uti ea curaret C. Decimio praetori mandatum.' Mommsen has

discussed these rights, Das Römische Gastrecht, in his Rom. Forsch. i. pp. 340 foll.

These documents were kept *in Capitolio*, as appears from line 25, and from the similar foedus with the island of Astypalaea, one of the Cyclades (C. I. Gr. 2485). Polybius (iii. 26) saw the Carthaginian treaties ἐν χαλκώμασι παρὰ τὸν Δία τὸν Καπετώλιον ἐν τῷ τῶν ἀγορανόμων ταμιείῳ, and Mommsen identifies this with the *aedes thensarum in Capitolio* of Or. Henzen, 5407. He also mentions the Temple of Fides (close to that of Jupiter Capitolinus) as another record office, or *tabularium*. Mommsen emphatically denies (on no. 592) that the large building on the Forum (over which is now the palace of the senator), lying between the intermontium and the temples of Saturn and Concord, was ever called *tabularium*, though this is the common opinion. Hence he refers to the temple of Jupiter Capitolinus and the buildings near it the inscriptions recording the restorations by Q. Lutatius Catulus (cos. of this year), nos. 591, 592, as well as the restoration by Vespasian, after the fire caused by the Vitellians, A. D. 70, which are usually referred to the so-called *tabularium* in the Forum, e.g. by Burn, Rome and the C. p. 97. The passage of Suetonius, Vesp. c. 8, seems certainly to refer to documents similar to this, three thousand of which were destroyed, and attempted to be restored by Vespasian, 'paene ab exordio urbis scta, plebiscita de societate et foedere ac privilegio cuicumque concessis.' Mommsen has discussed the question at length, Annals of the Institute of Archaeology at Rome, vol. xxx. 1858, pp. 198 foll., and p. 211.

The Lex Antonia de Termessibus belongs to the same class of documents, and is the only other of all the records of the Capitol still preserved on the brass.

Another important document of the same class, but only in Greek and on stone, has lately been discovered in Boeotia, the S. C. de Thisbaeis, a full account of which is given by Mommsen in the fifteenth of his Observationes Epigraphicae, in Eph. Epigr. vol. i. p. 278 foll. Its date is V. C. 584, B. C. 170, and it is therefore older than any of the documents here given, except the decree of Paulus and that about the Bacchanals. It is in the common Greek (Alexandrine?) dialect, and seems to have been made at Rome by a regular public interpreter or scribe, as this about Asclepiades evidently was. We observe in it the same regular forms for Roman legal terms: *senatus* = ἡ σύγκλητος, *ante diem* = πρὸ ἡμερῶν, *scribendo adfuerunt* = γραφομένῳ παρῆσαν, *censuere* = ἔδοξε. It is also important as the first known Greek document in which ὕπατος is used for *consul*. Cognomina are not found in it.

1. *Catulo . . . Lepido.* This is the first *legal document* in which cognomina are found. They occur of course much earlier in epitaphs, etc., e.g. in that of Scipio Barbatus.

2. The mention of eponymous praetors is noticeable; it occurs only here and in the Astypalaean treaty.

4. *in comitio*, i. e. in the Curia Hostilia. So the Senatus Consultum in Josephus, Ant. xiii. 9, 2, is made ἐν κομετίῳ, as well as that De Thisbaeis in Eph. Epigr. i. p. 278; and cp. Becker, Handbuch, ii. part 2, p. 408. It had just been rebuilt by Sulla, and was afterwards burnt down by Clodius.

Σεργία, Ποπλιλία = Lat. ablatives: of the Sergian, of the Publilian, tribe.

6 *Meniscum Irenaei*, etc., i.e. adopted by Irenaeus, being the son of Thargelius. The ordinary usage would be *φύσει δὲ Θαργηλίου*: cp. no. 1256. For Πολυάρκου above we should expect Πολυάρκους, but the scribe has followed the Latin genitive *Polyarci.*

9. *καταλογή* probably means reception into the 'formula sociorum.' Liv. xliv. 16.

19. *Italicis iudicibus*, 'quia quae magistratus Romanus in provincia ordinabat iudicia patria cum civibus Romanis tum etiam Latini iuris hominibus reddebantur.' M.

25. *sacrificium facere.* So in the decree about Astypalaea, and that about the people of Priene, C. I. Gr. 2905; and so Livy, xliii. 6, 'Alabandenses . . . donum ut in Capitolio ponere et sacrificare liceret, petebant.' So the Thisbaeans obtained leave to place a crown in the Capitol.

26. *munusque eis ex formula*, 'and a contribution of the regular amount.' The term *munus* is constantly used in reference to ambassadors; perhaps it was a contribution of a certain value in place of provisions, for we find that it was usual only to provide a table and bread and wine for their entertainment (Mommsen, das R. Gastrecht, p. 346, from whence I draw the following). The amount was frequently 2000 heavy asses, '*munera binum milium aeris data*,' Liv. xliii. 19, xliii. 5, 6, 8, xliv. 14, 15, xlv. 42; often it was higher, 4000, 5000, 10,000 asses, up to 120,000 asses. The *formula* here seems to imply that there were regular classes of state guests, with a separate taxation. Similarly in Greek documents, from which the Romans drew many of their usages in this matter, we find *ξένια τὰ μέγιστα ἐκ τῶν νόμων* (C. I. Gr. 1193. 133, ap. M.). If Livy (xxxv. 23, xliii. 5) can be taken as sufficient ground for inference, these *munera* were not in money, but in articles of value—chains, vessels, horses, etc.

locum, 'free quarters.' The villa publica on the Campus Martius was used for the lodging of ambassadors (Liv. xxx. 21, xxxiii. 24). Sometimes we find this privilege called *aedes liberae*, and sometimes a private house was hired (Liv. xxx. 17, etc. and xlv. 44).

lautia. Fest. Ep. p. 68 n. '*dautia* quae lautia dicimus dantur legatis hospitii gratia' = 'necessaries;' apparently at first necessaries for bathing, the idea of a stranger's first requisite that we find in old times, as in Homer. It would of course include beds and bed-room furniture.

32. The Greek names at the end seem to be intended for a short title or index for purposes of reference, necessary enough in the great mass of documents.

LEX ANTONIA DE TERMESSIBUS. Pp. 209–211.

C. 204. *Termessus maior* was a town in Pisidia, and had received autonomy from Cn. Manlius in v. c. 563 (Liv. xxxviii. 15), which is hereby confirmed to it. These privileges are to date from the 1st of April, 682. The tribune who moved the bill, C. Antonius, M. f., was praetor 688, and cos. 691 (with Cicero), and may therefore have been tribune in 683. The words of the praescriptio *de s(enatus) s(ententia)* are important, as Sulla had taken away from tribunes the right of

moving laws, except with the authorisation (Appian Bell. Civ. i. 59), and the full right was not restored to them till the next year, 684, by the Lex Pompeia. Mommsen supplements the praescriptio, which ran along the top of the pages in large letters (as in the Lex Cornelia), from no. 503, where the other tribunes seem to be named, viz. Cn. Cornelius, Q. Marcius, L. Hostilius, C. Popilius, M. Valerius, C. Antius, Q. Caecilius, L. Volcacius (?), and C. Fundanius. We may conclude that four or five other tables have perished.

(II) 1. *Thermenses maiores.* Cp. the coin in Smith's Dict. of Geography, which has Τερμησσέων τῶν μειζόνων. Observe the variations in spelling, *Termesibus*, *Thermeses*, *Termesium*, *Thermensis*.

14. *L. Marcio Sex. Iulio*, cos. u. c. 663, the beginning of the first Mithridatic War, and time of the Italian revolt.

15. *insulae*, lodging-houses, houses containing a number of tenements. See Rich's Dict. of Ant. for plans of such houses.

(III) 16. *lege Porcia.* Cp. Liv. xxxii. 27 de Catone maiore Sardiniam administrante 'Sumptus, quos in cultum praetorum socii facere soliti erant circumcisi aut sublati;' Plut. Cat. Mai. 6. M.

LEX RUBRIA. Pp. 212, 213.

C. 205. The fragments of this law were found on a bronze plate among the ruins of Veleia, close to the basilica, a few steps from the celebrated *tabula alimentaria* of Trajan, establishing a fund for the sustenance of poor children. Veleia was destroyed by a landslip from a neighbouring mountain, it is supposed about the time of Probus, as no coins have been found of a later date (Murray's Handbook of North Italy, p. 403).

The text has been best edited by Ritschl, Berlin, 1851. Commentaries have been written by the lawyers Hugo, Dirksen, Puchta, Savigny, Huschke, as well as by Mommsen. To Puchta is due the determination of the name, and to Huschke the correct interpretation of certain of the notes.

In the year 705 Julius Caesar gave the citizenship to all the inhabitants of Cisalpine Gaul who had the ius Latii. In the year 712, after the battle of Philippi, it ceased to be a province. This law must fall between these two dates. It cannot of course fall after 712, nor can it fall before 705, as otherwise the letters C. R. = (Civium Romanorum) would have to be added to the formula O. M. C. P. F. C. C. T. VE, as in the Lex Iulia Municip. ll. 83, 108.

The name Lex Rubria is found in the law itself in the formula for appointing a iudex, line 29; but nothing is known of the tribune who was its author, apparently in the absence of Caesar. The objects aimed at in this and the succeeding law are generally indicated by Mommsen (R. H. book v. ch. 11. vol. iv². p. 528): 'The leading principles in the two municipal ordinances, issued in 705 for Cisalpine Gaul, and in 709 for Italy, the latter of which remained the fundamental law for all succeeding times, are apparently, first, the strict purifying of the urban corporations from all immoral elements, while yet no trace of political police occurs; secondly, the utmost restriction of centralisation, and the utmost freedom

of movement in the communities to which there was even now reserved the election of magistrates, and a limited civil and criminal legislation. The general police enactments, such as the restrictions on the right of association (p. 503), came, it is true, into operation also here.' According to Mommsen, the arrangement of matters in this law is the same as that of the perpetual edict. We have parts of five chapters remaining; the end of the 19th, on 'operis novi nuntiatio' (protest against a new work to the damage of property); the 20th, which gives the municipal magistrate or the prefect of Mutina jurisdiction in cases of 'damnum infectum' (threatened or apprehended damage); the 21st, which gives jurisdiction in cases of 'pecunia certa credita' (debts of Roman money up to a certain sum); the 22nd, dealing with cases of other debts; and the beginning of the 23rd, which relates to the action 'familiae erciscundae' (move for dividing an hereditas amongst co-heirs).

Chapter twenty-one, which I have given, enacts that those who acknowledge a debt, or who are held by law to have acknowledged it, by reason of their silence or incorrect answers before the magistrate, should be handed over (as *addicti*) by the municipal magistrate to the creditor, if the sum did not exceed fifteen thousand sesterces. For sums above that amount, the debtor was to promise to appear at Rome personally or by sufficient proxy. If he did not so promise, this law allowed the magistrate to appoint iudices or recuperatores on the spot.

XXI. 2. The interpretation of the letters C.C.T.VE was long doubtful. Mommsen's conjecture is now generally received, *territorio* being in place as the last of the list, as being a general term; cp. *ager*, *locus*, *aedificium*, *possessio*; *res*, *lex*, *ius*, *causare*; *ablatum*, *captum*, *conciliatum*, *avorsumve*. See Ritschl, in Rh. Mus. vol. viii. p. 475. 1858. Savigny says *oppidum* is an introductory generic designation; *municipium* denotes the greatest number and the most important places; *colonia* belongs only to a few, and *praefectura* only to Mutina. (Verm. Schriften, iii. p. 325.)

10. *s(iremps) res lex ius caussaque.* For *siremps* see Introd. xiii. § 39. The meaning of *res* is doubtful; Ritschl, l. c. p. 456, suggests 'process.'

18. *t(antae) p(ecuniae) . . . dum t(axat)* [H. S.] XV *s. f. s. duci iubeto*, 'order him to be led off by the creditor as debtor to the amount in question, up to (and not above) 15,000 sesterces.' This sense of *ducere* is found XII Tab. iii. 3, 'secum ducito, vincito,' etc. Cp. the quotation from Novius (?), Cic. de Orat. ii. 63, 255, 'A. Quanti addictus? B. mille nummum. C. nihil addo, ducas licet.' Probably this *addictio* amounted to little more than retention of the debtor's person till the sum was paid. Cp. Puchta, § 179, Rudorff's note *mm*. For *dum taxat* = 'not more than,' see on Lex Bant. 12.

LEX IULIA MUNICIPALIS. Pp. 213–218.

C. 206. Of the two tables on which the remains of this law were found, one was for some time in England in the last century, and was first edited by Mattaire, London, 1736. The other was first edited by A. S. Mazocchi, Naples, 1754, 1755, together with the English table. Both are now at Naples. The text has been

re-edited from the brass by Ritschl. The best commentary is that of Savigny, Vermischte Schriften, 3, 279–412. (Mazocchi first suggested the name, as well as the passage of Cicero fixing the date, Sav. p. 404.)

The date of the law has been determined by Savigny to be A. U. C. 709, to which it is fixed by a number of indications, one of the most certain being some words of Cicero, quoted in the note on line 94. It could not have been 710, as in that year the number of aediles was increased from four to six, and in the year after the month Quintilis was called Julius.

It was carried, then, in the fourth consulship of Julius Caesar. It was drawn up in the beginning of the year, as we find Cicero writing about it in February, but not passed till the close, as Caesar was absent in Spain, and did not return till September. The name is preserved in an inscription found at Padua, and still in existence, which runs thus:—M IVNIVS | SABINVS | $\overline{\text{IIII}}$. VIR . AEDILICIAE . POTESTAT . | E LEGE . IVLIA . | MVNICIPALI | PATRONVS | COLLEGI . CEN|TONARIORVM | FRONTEM . TEMPLI | VERVIS . ET . HERMIS | MARMOREIS . PE CVNIA . SVA . ORNA|VIT . ET . TVITION . | DEDIT HS ∞ ∞ | $\overline{\text{N}}$. CCXXXXII. [The unknown word *vervis* is supposed to mean 'sheeps' heads.'] The law is called simply Lex Municipalis by the jurists, e.g. Dig. i. 7, 9 L, 1 tit., and Paulus wrote a book entitled Ad Municipalem (Savig. l. c. p. 359). The question which arises, why this law which makes so many regulations about Rome is called Lex Municipalis, is a difficult one. Mommsen interprets it as a token of Caesar's policy, 'ut palam fieret urbem Romam imperii locum obtinere desiisse et inter imperii Romani municipia factum esse primum; eodemque refero quod ex hac lege nemini, nisi qui duo plurave domicilia habet, licet Romae censeri' (v. 157). This seems a correct, and at the same time a very important, inference. See the quotation on p. 463.

The law as it at present stands deals with three subjects: I. The public distribution of corn; II. The duties of the aediles at Rome; III. Municipal self-government. The law is mutilated both at the beginning and the end, but runs on very clearly as far as it is preserved.

I. *Rules for the public distribution of Corn*, §§ 1–6, lines 1–19.

§§ 1, 2. NAMES are to be given in to the consul in person, or by a curator for an absentee, or in case of minors by a tutor. §§ 3, 4. In the absence of the consul, the praetor urbanus may receive names, then the pr. peregrinus, then the tr. pl. § 5. Such names are to be registered on the public books, and a copy exposed on a white board in the forum. § 6. The officer who distributes the corn is not to give to any person of those whose names are upon the list, [but of course to wait till the *subsortitio* takes place, which no doubt had been spoken of earlier in the law]. For every modius so wrongly given he is to pay as a fine 50,000 sesterces.

Caesar's object had been to reduce the number of recipients of the state dole; and he had been successful enough to bring it down from 320,000 to 150,000. The *subsortitio* to which these *professiones* led up was to fill the places of those who had died within the year. (Suet. Caes. 41.) The recension of the people for the purpose of reducing the numbers had taken place in the preceding year.

In the paragraphs above condensed we notice the forms *profitemino* (Int. xvi. § 13), and Vꟼ = *pu(pilla)*, cp. Ↄ = *G(aia)*, i.e. mulier, and occasionally ⅃ = *l(iberta)*.

18. *proposita erunt.* Some critics have inserted a *non*, through not understanding the object of the enactment.

19. *in tr. m.* I H S IↃↃↃ = *in tritici modios singulos sestertium quinquagena milia.* Cp. Col. Rostrata ad fin. p. 414.

II. *Duties of the Aediles*, §§ 7–21, lines 20–82.

These are, shortly, cleaning and repairing roads, regulating traffic, and keeping public places free from impediments and encroachments.

§ 7. ROADS within the city, or in the district immediately round it, to be kept in order by the owners of houses, in front of which they are, to the satisfaction of the aediles. § 8. Aediles, within five days after their appointment or entrance into office, to draw lots for the superintendence of a particular quarter of the city. § 9. Half of a road between a temple or public building and a private house to be offered for contract by the aedile, to be kept in order. § 10. If the owner of a house does not repair the road in front of it, the aedile is to offer the repair to contractors by means of the quaestor. The owner to pay the contractor his assessment within thirty days; if he does not pay, he is liable to pay half as much again, and to be actionable for it as a debt. § 11. The quaestor is also to be employed in putting up to auction the repair of other roads (cp. § 9), and to pay the contractor from the treasury. § 12. Nothing in this law to affect existing rights and duties of the aediles, and the four commissioners for cleansing roads within the city, or of the two commissioners for the suburban and extra-urban district, with respect to cleaning the roads. § 13. A *semita* round a house to be repaired with stones by the owner, to the satisfaction of the aedile.

§ 14. NO WAGGON may be used in the streets between sunrise and 4 p.m., except when used for bringing or taking away materials to or from public works or temples, with certain other exceptions. § 15. Waggons may be used for vestal virgins, etc., triumphs, games, etc. § 16. Waggons brought in at night not forbidden to be in the city or suburban district between sunrise and 4 p.m.

§ 17. PUBLIC PLACES AND PORTICOES to be kept free from building or encroachment, or erection of hoardings, except when permission has been granted by law or S. C. § 18. No interference is intended with present or future contracts, under a 'lex locationis' of the censor or other magistrate. § 19. Nor is this law to prevent anyone who gives games in the district, from erecting a stage and using a public place for the purpose. § 20. Nor does it forbid clerks and secretaries of magistrates from using public places, according to their orders. § 21. Nor the use of public places by public slaves, according to the censors' appointment.

l. 20. *in urbem Rom(am)* is constantly used = 'within the city,' so we have *in u. R.* (*domicilium habere*), Lex Rep. 13. See note on Lex Agrar. 1, p. 451. *propiusve u. R. p. M* = 'the suburban district for a mile outside the walls,' Lex Rep. 13, p. 432.

21. *pars urbis h. l. devenerit.* The city district was divided into the tribus Palatina, Suburana, Esquilina, and Collina

23. *a(que)*, the brass reads *ao*; perhaps AQ was a note for it.

40. *in tabulas publicas pecunia facta.* 'Populo quod debetur (haec enim est *pecunia facta* ut nomen factum dici solet) exigi non potest antequam in tabulas publicas referatur' (Tac. Ann. xiii. 28). M.

Ei . . . eum esse adtribuito. 'Let him make him or them (the owners of houses) responsible to the contractor for such and such an amount.' Cp. Lex Rep. 62 note. On the *duoviri* mentioned line 50, see on Lex Agr. 28, p. 454.

53. *semita in loco.* join *quoius in loco ante aedificium semita erit.* *Se-mi-ta* is a side path, or by-path, here a foot path, *trottoir*, just as *tra-mi-tes* are cross paths: the root appears in *me-are* (Corss. ii. 212).

III. *Municipal Self-government*, §§ 22–30, lines 83–160.

This part treats of four subjects: the magistrates; the councils; the census; and alterations in the codes of municipia.

§ 22. MUNICIPAL MAGISTRATES are not to make additions to the municipal council except in the place of a dead man, or one condemned, or one who confesses that he ought not to be a member under this law. § 23. No one shall be competent to hold a municipal magistracy after the first of January next but one after the passing of this law, who is under thirty years of age, unless he has served three yearly campaigns in the cavalry, or six in the infantry, or has had special exemption from service. Nor is anyone, while he is a praeco or an undertaker, eligible either to a magistracy or a place in the council. The penalty for breaking this law is 50,000 sesterces.

§ 24. No municipal magistrate may elect such persons as are mentioned in the previous section under the same penalty.

§ 25. No one may be a MEMBER OF THE COUNCIL who has been condemned for theft or has compromised a theft; or has been condemned for breach of trust, partnership, wardship, or agency; or for outrage or malicious intent; or has been condemned for cheating minors; or has served as a gladiator; or has declared himself insolvent; or made a composition with his creditors; or has had his debts paid by a sponsor (?); or has had his goods proscribed; or has been condemned by a public court, and outlawed either at Rome or in the provinces; or been condemned as a malicious or collusive accuser; or been degraded in or dismissed from the army; or received head-money for killing a Roman citizen; or 'corpore quaestum fecit fecerit;' or exercised the trade of a lanista, public dancer, or actor; or shall be a pander. The penalty is 50,000 sesterces.

§ 26. Forbids any magistrate from placing such persons on the council, or in any way treating them as decurions.

§ 27. Forbids any such person from becoming a municipal magistrate. The penalty as before.

§ 28. In every MUNICIPAL TOWN the highest magistrate is to make A CENSUS of the citizens at the same time as the census takes place at Rome, within sixty days; the census is to contain their full names and ages, and the account of their

property subject to census; the registers are to be sent to Rome by the proper delegates before the sixty days are expired; copies to be made by the censor within five days, and kept with the other registers of the census.

§ 29. A man who has been registered at Rome need not be registered on the books of another town, if he has a domicile there.

§ 30. The COMMISSIONER already sent to give LAWS TO A MUNICIPAL LATIN TOWN is authorised to make any alterations or emendations in the laws that he has given, and to bind the burgesses by them, provided it is done within the year succeeding the passing of this law.

83. *duoviri* and *quatuorviri* are the ordinary names for municipal magistrates. These officers were generally four in number, two being *iure dicundo*, and answering to the Roman praetors, and two generally being aediles. They composed either two colleges of *duoviri* or one of *quatuorviri*, the former arrangement being generally adopted in coloniae, the latter in municipia (Marquardt, new ed. iv. p. 479). It would seem that the magistrates here meant are the two higher officials *iure dicundo*. The two next in rank are similarly *duoviri* or *quatuorviri aediliciae potestatis* (l. c. p. 491: cp. the inscription on p. 465).

86. *senatum decuriones conscriptosve.* This municipal council consisted of a fixed number of life-members, generally 100. The *lectio in senatum* took place every five years by means of two *quinquennales*, who were merely the two ordinary magistrates for the year acting as censors in addition to their usual offices (cp. § 28). The main impediments to a man's becoming a decurion specified in this law (§ 25), are condemnation for certain offences, insolvency, degradation in or dismissal from the army, and the exercise of certain trades or professions. Caesar probably wished to give great liberty in the matter. We may infer, however, that the commissioners mentioned in § 30 made ordinances for particular cities on these details, not that there were absolutely no such restrictions. We learn from Cicero that C. Claudius Pulcher, pr. 659, made just such ordinances when sent to give laws to the people of Halesa in Sicily (in Verr. ii. 49, 122): 'C. Claudius adhibitis omnibus Marcellis, qui tum erant, de eorum sententia leges Halesinis dedit: in quibus multa sanxit de aetate hominum, ne qui minor XXX annis natu: de quaestu quem qui fecisset ne legeretur, de censu, de ceteris rebus.' The age was raised by Augustus to fifty, as was that of the Roman senators; the property qualification differed in different towns (see Marquardt, vol. iii. pp. 364–375). It was not till after the time of the Antonines that the condition of the decurions or curiales began to decline, till in time it became a mere punishment to force a man into the curia. This was owing to the confiscation of municipal property, and the responsibility laid on the council of paying to the state the taxes of the community. The title about decurions in the Theodosian code is one of the most painfully instructive in the whole book.

nei . . . legito, etc. This of course was a necessary result of the principle that membership of the council was for life, except a man was disqualified under this law, and that the number of members was limited. There is an interesting inscription giving the album of Casinum (Orell. 3721, Marquardt, l. c. p. 505), of which the following is a summary: L. MARIO MAXIMO II. L. ROSCIO

AELIANO . . COS (a. d. 223) | M. ANTONIVS . PRISCVS . L ANNIVS . SECVNDVS II. VIR . QVINQVENN . | NOMINA DECVRIONVM IN AERE INCIDENDA CVRAVERVNT | PATRONI C. C. V. V. (i. e. clarissimi viri, XXXI nomina) | PATRONI E. E. Q. Q. R. R. (i. e. equites Romani, nomina VIII) | QVINQVENNALICII (nom. VII, quorum duo inter patronos equites, duo huius anni quinquennales sunt) || ALLECTI INTER QVINQ. (nom. IV) || II VIRALICII (nom. XXXIII) | AEDILICII (XIX) | QVAESTORICII (IX) | PEDANI (i.q. pedarii vel pedanei XXXII) | PRAETEXTATI (i. e. decurionum filii, XXV).

coptato. The brass has *coaptato,* but the contraction is of course for *cooptato,* and is found l. 106.

89. The restrictions as to magistrates are more explicit. See argument.

92. *annueis* is Mommsen's correction for *anneis* of the brass.

vocatio = vacatio. Mommsen adds, fr. ll. 102, 103, '*dumtaxat quod ei legibus pl. ve sc. procedere oportebit,*' as lost by ὁμοιοτέλευτον here.

94. *praeconium . . . dum eorum quid faciet.* It is to this provision Cicero refers in his letter to Lepta, Feb. v.c. 709 (ad Fam. vi. 18, 2): 'Simul accepi a Seleuco tuo litteras statim quaesivi e Balbo per codicillos, quid esset in lege. Rescripsit eos qui facerent *praeconium* vetari esse in decurionibus, qui fecissent non vetari. Quare bono animo sint et tui et mei familiares; neque enim erat ferendum cum qui hodie haruspicinam facerent in senatum Romae legerentur, eos qui aliquando praeconium fecissent, in municipiis decuriones esse non licere.'

dissignationem libitinamve. The relation of these two trades to one another is not very clear. Perhaps there was no real distinction between them. The *dissignator* seems so called from his ordering the funebris pompa; the *libitinarius* from his station at the Temple of Libitina, where, amongst other things, a register of deaths was kept (Suet. Nero, 39, 'xxx funerum milia in rationem Libitinae venerunt'). The phrase *libitinam exercere* is found in Valerius Max. v. 2, 10. The *dissignator* of the Pompeian inscriptions, 597, 768, is a stage manager.

110. The following cases are almost exactly those which were visited legally with *infamia.* See Dig. iii. 2, Cod. Just. ii. 12. The tit. in the Digest contains the words of the praetor's edict with comments.

furtei quod ipse fecit fecerit is explained by Ulpian's commentary on Dig. iii. 2, 6, 'Si quis alieno nomine condemnatus fuerit non laborat infamia et ideo nec procurator vel defensor vel tutor vel curator vel heres furti.'

pactus; see on XII Tab. viii. 16. Ulpian explains 'si cum pretio quantocunque pactus est.'

111. *iudicio fiduciae pro socio tutelae mandatei,* 'condemned for breach of trust, partnership, tutelage, or agency.' *Fiducia* is the transference of property to another, for a given purpose, on the condition that it is afterwards to be restored to you. Condemnation for not restoring it was visited with *infamia.* Hence Cicero says, Pro Rosc. Comoed. 6, 16, 'Si qua enim sunt privata iudicia summae existimationis et paene dicam capitis, tria haec sunt, fiduciae, tutelae, societatis.' *Pro socio* is the action which one partner has against another; it is illustrated by the speech just mentioned, which was in behalf of Roscius (who had recovered under it from a third partner) against the other partner Fannius, who claimed from Roscius half of what he had so recovered. The *iudicium tutelae* combined both

the action of pupil against tutor, as well as tutor against pupil (actio contraria). Similarly, the *actio mandati* was either that of principal against agent or agent against principal. But only tutors and agents are here intended as subject to disability. The praetor's edict expressly excepted the contraria actio: 'qui pro socio, tutelae, mandati, depositi suo nomine, non contrario iudicio, damnatus erit.' So Ulpian's comment, 'nam in contrariis non de perfidia agitur sed de calculo qui fere iudicio solet dirimi.'

For the subject of *iniuriae* see Gaius, iii. §§ 220–225, and Mr. Poste's notes on this and *dolus malus*, 'malicious intention.'

112. *lege Plaetoria*, which punished fraudulent persons overreaching young men under the age of twenty-five. It was as old as Plautus. Thus the young man says in the Pseudulus, i. 3, 69, 'Tum lex me perdit quinavicenaria | Metuunt credere omnes.' It was different from the Lex Plaetoria de Iurisdictione.

113. *auctoratus*, 'who has bound himself to serve as a gladiator.' This he did by a contract (*auctoramentum*), and took an oath something like the soldier's oath, 'uri, vinciri, verberari, ferroque necari.' See p. 281.

bonam copiam abiuravit. A similar form is found Cic. Fam. ix. 16, 7, 'bonam copiam eiures.' This seems to mean, 'has declared his insolvency.'

The phrase *bona copia* = 'solvency,' is first found in a citation from the so-called Poetelian law in Varro, L. L. vii. 105, which enacted, 'ut omnis qui *bonam copiam iurarunt* ne essent nexi sed soluti.' (The MSS. of Varro have *C. Popilio vocare Sillo dictatore;* Müller reads *C. Poplilio auctore, Visolo* (i.e. Poetelio Libone) *dictatore.* Cp. Liv. viii. 28, 'necti desierunt.') The meaning of *bonam copiam iuravit* here seems to be, 'anyone who, after being addictus for debt, has been released on a declaration of solvency.' This law seems to except not only all who are or have been insolvent, but also all who have been imprisoned for debt.

114. *quei[ve]*; *ve* is added by Mommsen as beginning another sentence. Rudorff (R. R. G. ii. p. 295, n. 27) takes it with what goes before, 'Has made an oath of his solvency, after he has (qui) declared to his creditors or sureties that he cannot pay in full.'

115. *prove quo datum depensum est erit*, seems to mean, 'For whom a composition has been made with his creditors by intercessio.' This arrangement was made by *sponsores*, *fidepromissores* or *fideiussores*, who had an *actio depensi in duplum* against the principal debtor. Cf. Gaius, iv. § 25, where he is called 'is pro quo depensum est.'

117. (*bona possessa proscriptave sunt erunt*). These words are no doubt rightly added by Mommsen as having dropped out by ὁμοιοτέλευτον. They imply adjudication of bankruptcy: on the distinction between this and insolvency, see Poste's Gaius, pp. 277 foll.

120. *k(alumniae) praevaricationis caussa*, see on Lex Rep. 5, p. 430; 19, p. 433.

122. *ob caput c. R. referundum*, referring to the times of the Sullan proscriptions.

123. *lenocinium faciet.* It is difficult to account for this difference of tense which seems to give a greater privilege to those who may have been *lenones* than to other persons disqualified.

142. *quei . . . maximum mag.*, etc. This official is sometimes called the *censor*,

as C. 1166. 13, q.v., more often *quinquennalis*, as in the inscription on p. 468.

159. This last section (§ 30) is (says Savigny) the hardest in the law. The best general illustration is the case of C. Claudius Pulcher, already referred to on l. 86. *Permissus est* is explained by Savigny, 'has been sent out;' not 'has received permission,' which is not good grammar. The only parallel, however, that can be brought forward seems to be from Columella, de R. R. vii. 8, 'hoc genus casei potest etiam trans maria *permitti*.' Mommsen seems to make the words = '*cui permissum est ut*' by attraction. He compares Lex Corn. de xx q. 2, 36, 'quei . . . utei legerentur institutei sunt.' Prof. Palmer translates, 'who has been *granted* for the purpose of giving laws,' comparing the parallel use of *dare*, and I am inclined to follow him. *Fuit* is on the brass EVIT, but seems a certain correction. ERIT, which would also be possible, is not in point, as the reference seems to be to commissioners present (*est*) or past (*fuit*), not future. *In municipio fundano.* The adjective is elsewhere unknown, but the phrase *fundus fieri* is not very uncommon. The legal bearing of the term is one of the principal topics in the oration of Cicero pro Balbo, who, being a citizen of Gades and having received special Roman citizenship from Pompey, was attacked by a fellow citizen, whose first argument was that Gades had never become a '*fundus* legis Gelliae Corneliae,' which gave the citizenship to Pompey's nominees. It is found in the same collocation, Gell. xvi. 13, 6. Cicero's explanation (if it may be called one) is very far-fetched, 'si ea lex, quam nos haberemus, eadem in populo aliquo *tanquam in fundo* resedisset' (pro Balbo, viii. 20). The right explanation is no doubt to be gathered from Festus, Epit. p. 89, '*Fundus* quoque dicitur populus esse rei, quam alienat, hoc est *auctor*,' i.e. 'the people is the foundation' = 'the people ratifies, confirms, establishes a thing.' Besides this legal use, there is an instance in Plautus, Trin. 1122, of a literary one:—

> 'Núnc mi is propere cónveniundumst, út quae cum eius fílio
> Égi, ei rei patér sit *fundus* pótior;'

and Gellius applies it in his pedantic way, xix. 8, 12, 'non ut huius sententiae legisque *fundus* subscriptorque fierem.' A *municipium fundanum* is then, in this place, one which becomes *fundus* of a law offering it the Roman citizenship with its rights and obligations. 'Spectant haec (says Mommsen) ad municipia Sicula Hispana alia a Caesare Latinitatis iure donata: vide quae dixi in commentario ad aera Salpensana et Malacitana p. 409.'

Pars Secunda.

TITULI CONSULARES, CERTAEQUE AETATIS RELIQUI.
Pp. 219–229.

C. 1503. This inscription is by no means without difficulty. Dictators ceased after V.C. 552, and it is hard to find a Minucius before that date to whom to refer it. Mommsen assigns it, somewhat boldly, to the *magister equitum* who fell at Cannae (Liv. xxii. 49) and who appears as *magister equitum* in the fasti. This he

supports by citing Polyb. iii. 103 and Liv. xxii. 25, to prove that the rights of the two officers were equalised, and, as Polybius says, that there were two dictators. This altar was erected to Hercules Victor—for whom see on the tituli Mummiani below—in gratitude probably for his success at Gerunium, when a defeat was turned into a victory by the advent of Fabius. The letters at the side have never been satisfactorily explained.

C. 530, 531. Two inscriptions set up by M. Claudius Marcellus, conqueror of Syracuse. *Hinnad* (abl.) = from Hinna or Enna, as it is generally called, the sack of which is mentioned by Livy, xxiv. 39. So we have *M. Fulvius m. f.* | *Ser. n. Cos.* | *Aetolia cepit*, no. 534, v.c. 565. Marcellus is known to have dedicated his spoils in various places at Rome. No. 531 was probably attached to the Temple of Honos and Virtus, built by him close to that of Mars at the Porta Capena. He triumphed over the Sicilians in v. c. 543 = 211.

C. 532. TESSERA FUNDANA. This is a good deal the oldest of such monuments, the others being plates of brass or copies on stone affixed to the walls. This is a regular *σύμβολον*, intended to be carried on a journey and compared with the one given to the other party; here *Ti. Claudius* (?). This old sort of tessera is referred to in well-known passages of Plautus' Poenulus, v. 1, 25 (apparently there a small image)—'Deum hospitalem ac tesseram mecum fero;' and 2, 87, 'tesseram conferre' and 'est par probe, nam habeo domi,'—passages which, with the existing examples, show that the idea of putting together two parts of a fractured object is an error. *Conferre tesseram*, *συμβάλλειν*, etc. is simply to compare one copy with another. For a more ordinary tessera hospitalis cp. the *Tessera Pallantina*, p. 229, and note, p. 484.

The object of this tessera was apparently to record the creation of a peculiar relationship, a sort of compound of the ordinary guest friendship (*ius hospitii*) and the relation of patron and client, which existed between noble Romans and dependent cities or states, and in later times between them and colonies and municipia, etc., and in fact all kinds of communities, whether incorporated in or simply dependent on the Roman state. It was, in fact, neither, but a way of securing representation of their interests at Rome, something like the proxenia of the Greeks and our own consular system, only with much more of dependence on the side of the client state. It was no doubt as *patroni* of the Ligures that the Minucii made their decision as to boundaries (no. 199). Similarly, the Marcelli were patrons of Sicily. Cp. Liv. ix. 20, 'Antiatibus . . . dati ab senatu ad iura statuenda ipsius coloniae patroni,' and cp. Lex Iulia, § 30. The term *defensor* seems also to have been applied to them, Inscr. Pomp. iv. 768, 1032, 1094, but not in the same technical sense as it was used under the later emperors.

The formula for appointing such a patron is found in a decree of Gurza (?) in Africa, B.C. 12, 'Senatus populusque . . . hospitium fecerunt quom L. Domitio . . . eumque et poster[o]s eius sibi posterisque sueis patronum coptaverunt isque eos posterosque eorum in fidem clientelamque suam recepit.' (Marini, Arvali, p. 782, Orell. 3693, Wilmanns, 2850; cp. Mommsen, R. Forschungen, pp. 335, 353, 358. See also Ed. Philippi, Zur Geschichte des Patronats üb. Juristische Personen in Rh. Mus. vol. 8, for 1853, who distinguishes *patroni* from *defensores*. The material on the

subject of this patronatus has been collected by Prof. Gazzera, Memorie d. R. Academia di Torino, t. xxxv.) The word *patronus* is probably closely connected with *pater*, *patricius*, i.e. one who is capable of acting as a patrician towards others, cp. *matrona*, wife of a burgess. The date of this tessera can only be fixed approximately, as there are thirteen cases of a *M. Claudius M. f. cos.*, and the language of it may be either of the sixth or seventh centuries of the city.

Conscriptes, nom. pl. Introd. ix. § 7 = the decurions or senate of Fundi. See on L. Iulia, 86, p. 467.

cose(nsu) . . . [*praifecti*], the last word is a probable restoration, as Fundi was a prefecture. (Festus, p. 233. M.)

in eius fidem : *in fide esse*, is especially used of the relation of client and patron. See on Lex Rep. line 10, p. 432.

covenumis = convenimus, perhaps by a simple blunder of transposition. But cp. *spatiarus*, no. 1220, and the genitives in *-us*.

co[*ptamus*], as in Lex Iul. 86. 106, *coptato*, and so the formula quoted above.

C. 533. If this is rightly referred to L. Cornelius Scipio Asiagenus, who was praetor in Sicily in 561 ; it is the earliest instance preserved of an honorary statue erected by Greeks in Greek fashion (*honoris caussa*) to a Roman. For *Italicei* cp. no. 551, *fugiteivos Italicorum conquaesivei*.

C. 535. This and two other milestones found near Bologna, on another road (to which the no. xv. seems to belong), must have once stood on the great via Aemilia, made by this consul from Ariminum to Placentia. Ariminum was 212 Roman miles from Rome, and Bologna 77 from Ariminum; therefore this stone, marked 268 miles, could not have been far from Bologna on the Aemilian road. The date of the stone is doubtful from the closed P and the form of the milestone, which is the later one. The early date also is inconsistent with Plutarch, who ascribes the setting up of mile-stones to C. Gracchus. The L is rubbed upon the stone and of uncertain shape.

Tituli Mummiani. Page 220. The worship of Hercules Victor or Invictus at the ara maxima is a well-known topic of Roman antiquities. Instances of a tithe vowed to him by private persons and then consecrated (*decuma pollucta*), and generally consumed in a popular banquet (*cena Herculana*), are found both in history and inscriptions. Thus we have M. Octavius Hersennus (Macrob. Sat. iii. 6, 11, Serv. ad Aen. viii. 363), Sulla and Crassus (Plutarch. Sull. 35, Crass. 2), and in inscriptions, esp. no. 1173, q. v. Mummius (and perhaps M. Minucius, above, no. 1503), must have vowed his tithe of praeda in the same way as Camillus did when he dedicated the tithe of the spoils of Veii to Apollo (cp. n. 187, of a twentieth paid to Apollo by certain aediles). The expression *moribus antiqueis* shows that he rather revived an ancient custom than introduced a new one, and it is to be supposed that the vows of private persons, merchants, and others, were an extension of this practice to common life. It is curious that the only clear indication of this should be found in Athenaeus (v. 65, cp. iv. 38), where he speaks of triumphant generals feasting the people in the Temple of Hercules. The spoils taken by Mummius were the great ornament of Rome, and also were to some extent distributed to the neighbouring towns, and even to the provinces.

Roman writers praise him for keeping nothing to himself, e.g. Cicero, de Off. ii. 22, 76, 'Italiam ornare quam domum suam maluit.' Similar dedications by Mummius are found relating to Nursia, Parma, Trebula Mutuesca, and even outside Italy, to Italica, near Seville.

The locus classicus about the worship of Hercules is of course Aen. viii. 184 foll. with the notes of Servius. See also De Rossi on the ara maxima, Annali del Inst. 1854, p. 28. The worship was introduced by Greeks, two points in the ceremony being contrary to early Roman custom, the feast in his temple being taken *sitting* and with *uncovered head;* and the name Hercules is now acknowledged to be Greek. The legend of the recovery of his oxen is localised in several other places, as at Erytheia, near Gibraltar (Hes. Theog. 287–294), and Eryx, in Sicily, and when compared with parallel myths like those of Saramâ and Sârameya (Max Müller, Lect. ii. p. 462 sq.) is seen to be explicable as a common solar myth. The *scyphus* used in his worship is found also in Greek authors with various ideas attached to it (Apollod. ii. 5, § 10, Stesich. Fr. v. 7, Mimnermus, 12[9]).

No. 541. *duct(u)*. These lines Ritschl turns into rough Saturnians; they have a metrical run about them, but hardly sufficient to warrant any exact notation.

No. 542. *Sancte* and *victor* are both vocatives.

2. Notice *tibei* as a pyrrhich; so *sibei*, no. 38. *pro usura* is good sense = 'as interest or return for the help lent by thee in war.' Mommsen acutely suggests *promiscrat*, which no doubt makes the long and awkward sentence run better; but the hiatus seems admissible in such rough verses.

4. *visum* may be either for *visum erat*, or more probably is governed by *perfecit;* in either case it goes with *hoc dare sese.* The construction will then be *Sancte victor, Lucius Mummius donum tibi de decuma moribus antiquis perfecit, visum* (i.e. quod constituerat) *animo suo dare sese hoc pro usura.*

tua pace, probably ablative. It might be for *tuam pacem*, as Ritschl suggests, but this is not such good sense.

5. *cogendei*, etc., 'that thou wilt make it easy for him to collect and pay the debt, and effect that he make a perfect tithe, and for this and other gifts give him his deserts.' *Cogendei* refers of course to the collection of spoils from those into whose hands they had fallen. Cp. Liv. v. 23, 'Haud facile inibatur ratio iubendi referre praedam populum, ut ex ea pars debita in sacrum secerneretur,' of the tithe vowed to Apollo by Camillus.

facilia may, I think, stand, though it is obviously a strong poetical licence. The vowel between *c* and *l* is constantly lost, as in *poclum, saeclum.* Cp. *Licnia*, C. 892, *Viglias*, C. 1139, *Cemna*, 99, etc. Ritschl even quotes an instance of *fácilia* as a trisyllable from Plautus, Persa, 761, 'Quórum opera haec mihi *fácilia* factu fácta sunt quae vólui ecfieri,' which appears to be a trochaic octonarius (Opera Philol. ii. p. 777, n.) The neuter plural of an adjective for an abstract substantive, e.g. *facultatem*, is to some extent paralleled by Lucret. i. 86, '*prima* virorum,' where see Munro's note. The Greek usage is freer, but the use of *τὸ ἀδύνατον, τὰ ἀδύνατα*, in Demosthenes, 'inability or excuse of inability,' seems a sort of counterpart to *facilia* here.

C. 550, p. 221. MILIARIUM POPILLIANUM (*Hadriae*), set up by the same consul as the next. The road from Ariminum to Hadria is about eighty Roman miles.

C. 551. *Milliarium Popillianum* (*Pollae*). The name of the magistrate is not and never was on *this* stone, but perhaps on a capital or epistyle. It is known to have been a *Popillius* or *Popilius*, as Polla is called by geographers *forum Popillii*, cp. line 15. Lines 13, 14 imply that it was after the Sempronian law 621, and this leads us to *P. Popilius Laenas*, who was consul in the next year. It is to be noticed that roads are always ascribed to consuls (not praetors), and the subject of this inscription speaks of what he did as praetor, as different from his present action. Line 9, *et eidem praetor*, e. q. s., is opposed to *eidemque*, line 12. He was praetor in Sicily about 619, and had to suppress the brigandage which was then ripe, carried on by the slaves of rich proprietors, as described by Diodorus, p. 526, Wess. The same writer tells us that the praetors attempted to put down the brigands, but did not dare to punish them for fear of the great power of their masters. Hence Popilius' expression, *fugiteivos Italicorum conquaeisivei redideique homines* DCCCCXVII. *Italici* are these great owners, who might either be citizens or have the ius Latii. For Pepilius' acts as consul cp. note on C. Gracchus' oration against him, p. 355.

2. *miliarios* appears to be masculine (sc. lapides) instead of the ordinary *miliaria*.

3. *tabelarios*, ('letter-carriers'), is curious with *poseivei*.

8. *suma=summa ; af Capua*, see on Ep. ad Tiburtes, 201, 11, p. 459.

14. *paastores*, see Introd. ii. § 8. The historical reference seems to be to the law of Tiberius Gracchus, which the consuls continued to carry out after his death. The land which seems to be in view is that taken away from possessors of too large an amount and assigned to others, *agri colendi causa*. We find this tenure referred to in Lex Agraria, 13, 14, where see note p. 452.

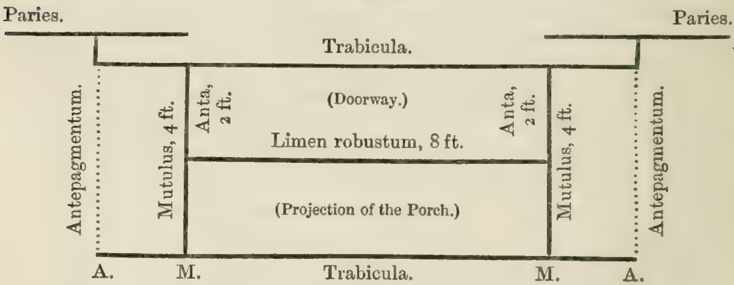
C. 554, 556. TERMINI. Cp. *libri coloniarum*, p. 242, 'triumvirales lapides Gracchani, rotundi columniaci in capite, diametrum pedem I et pedem I et semis, altus ped. IIII et IIII s.' The three commissioners are styled in the laws *agris dandis adsignandis*, but here and in no. 555, *agris iudicandis adsignandis* or *adtribuendis*. Cp. no. 583 of the time of Sulla, where they are called III *vir. a. d. a. i.* Certainly the *iudicatio* was their most important and difficult function, and it is here probably referred to as being in point for these particular boundaries. The top of the stone no doubt marked the angle between two lots; somewhat in the same way, though not with the same symbols, are the termini described Lex Agr. § 4, from Hyginus. Only one of these can be explained at present.

C. 565, p. 222. TITULUS CAPUANUS. The series to which this belongs falls between V. C. 543 and 695, the destruction of the independence of Campania in the war with Hannibal, and the foundation of the colony at Capua by the Lex Iulia. The government was administered by praefecti and the land allotted to plebeian possessores. The magistri pagorum were a sort of superior local officers, but only for purposes of religion. The inscriptions all belong to collegia, either called from their trade or from their tutelary deity (as here). They seem to have been governed by twelve *magistri*, if they were guilds of ingenui (as here), or of

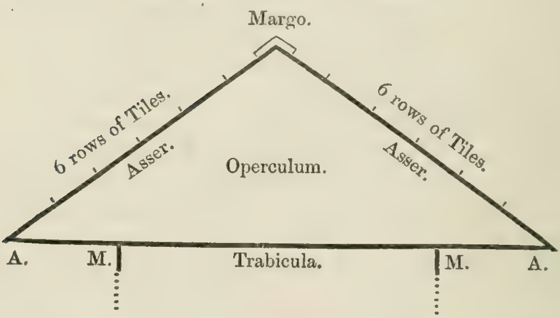
libertini, or twelve *ministri*, if they were guilds of slaves. They record the giving of games and the repairs or improvement of temples, theatres, etc. *Heisce* or *hisce* is the usual form in this series. Int. xiii. § 34. *Venerus Ioviae*, else unknown. *muru[m* with the *m* above, cp. no. 551, 9; 1011, 16.

C. 577, p. 222. LEX PARIETI FACIENDO. The matter of this document is evidently ancient, but the division into columns and the form of the letters show that it was recut in imperial times, to which also such forms as *duumvirum, faciendo* (for *duomvirom, faciundo*) belong. This is called a *lex*, in the same sense as the *lex locationis* of the censor: it is the copy of specifications for a piece of public work

PLAN OF ROOF.



ELEVATION OF ROOF IN FRONT.



to be done by a contractor. His name is given below, C. Blossius, and the amount for which he contracted (1500 sesterces = about £13 5*s.* 6*d.*), as well as the names of his praedes. The work can hardly be perfectly understood without an architectural drawing such as Mommsen gives. The accompanying sketch plan will, it is hoped, make the whole pretty clear, though it is of course inaccurate, as only the length of the beams, etc., not the breadth, has been considered. The work may be described generally as building a porch rather than making a wall. The doorway is to be six feet wide and seven feet high. It is to have two sides (*antae*), standing out from the wall two feet, and one foot thick. Above the

doorway is to be laid a lintel of hard oak (*limen robustum*) eight feet long, and therefore covering the tops of the antae. At right angles to it and in the same direction as the antae are to be placed two *mutuli* (see note) four feet in length, and therefore standing out two feet before the *antae*. These are to be covered externally with ogee mouldings (*simae*). This projection is to be joined together in front and at the back by *trabiculae* half a foot thick every way, lying on the *mutuli*, and of course at right angles to them and parallel to the lintel. The framework thus formed is to be roofed over with *asseres* five inches thick every way, not more than nine inches apart. The front or tympanum is to be boarded (*opercula*), and the ends of the beams finished with an ornamental moulding (*antepagmentum cum cymatio*). Each side of the roof is to have six rows of tiles, the lowest row (*tegulae primores*) to be fixed to the *antepagmentum*, and the ridge to be connected with a coping (*margo*). Inside there are to be two folding doors with gratings (*fores clatratae*).

I. 1. *Ab colonia deducta*, a rare use of such an era (here dating from 560) in Italy, though common enough in Asia. It is found once at Interamna (Orell. 689, 'anno post Interamnam conditam DCCIIII,' in the reign of Augustus) and very rarely at Rome.

2. The names of the *consuls* are properly added in a *colony*.

5. *aedem Serapi*. The genitive is something like those used by the comedians *Chremi*, *Philolachi*. The worship of Serapis or Sarapis was one of those foreign cults which had greatest attraction for the Romans. It rose first into prominence at Alexandria (where it was introduced, it is said, from Sinope) in the time of the early Ptolemies, and, in connection with that of Isis, it spread rapidly in the islands of the Mediterranean, into Greece, Italy, and Gaul. Like the worship of Bacchus, it fell into discredit at Rome and was forbidden by a S. C., to which Valerius Maximus refers, i. 2, 3, 'L. Aemilius Paulus consul cum senatus Isidis et Serapis fana diruenda censuisset, eaque nemo opificum attingere auderet, posita praetexta securem arripuit templique eius foribus inflixit.' Who this Paulus was is uncertain; some make him the consul of 219 and 216 B.C.; others, as Marquardt (Handb. iv. p. 85, n. 514), the consul of 182 and 168, the victor of Perseus; others place him in B.C. 50. The same prohibitions were repeated later on with little success, and in the time of Augustus it became publicly recognised, and in that of Plutarch was even orthodox and respectable, at any rate in comparison with some of the Asiatic cults.

13. *limen robustum*, a lintel of hard oak; *limen superum*, *supercilium* or *iugumentum*.

14. *p. I* :· =*pedem unum et quadrantem*. *p. s.* :· =*pedis dodrantem*, nine inches.

15. *mutulos* are here evidently very different from the ornamental mutules or modillions known to architects, i. e. brackets representing the ends of beams and standing out under the eaves of a building. They are, in fact, small beams four feet long, one foot broad, and eight inches thick. The idea common to both seems to be that of *projection*, and the word is probably identical with the adjective *mutilus*, in the sense of something standing out and cut off short. This agrees with other uses of the same word in Varro, R. R. iii. 5, 13, 'mutuli crebri

omnibus columnis impositi sedilia avium,' and Columella, viii. 9, 3, 'mutuli per parietem defixi,' for perches or props.

15. *s* : =*bessem*, eight inches.

16. *simas*, 'ogee-mouldings,' from Greek *σιμός*, bent upwards. Cp. Vitruv. iii. 5, 15.

17. *ferro offigito* seems needlessly altered by Mommsen to *ferro figito*, since it seems to mean '*along* the mutuli.'

trabiculas, of no specified length, but no doubt projecting so as to make eaves.

II. 1. *Inasserato*. Mention is only made of the *asseres* or rafters on which the tiles were laid, but probably there must have been also a king post (*columna*) with struts (*capreoli*) and a ridge-piece (*columen*). See woodcuts in Rich's Dict. of Ant. s. v *materiatio*, etc.

3. *pedario*, a foot broad, but of no specified thickness.

4. *crassa* Ɛ =*semunciam*.

6. *portula*(*m*). The *m* is dropped in the stone in archaic fashion : cp. line 19 foll.

9. *clatratas*, a rare word, found, however, Plautus, Miles, 378, with *fenestra*; it means with a trellis or grating, probably inserted in each panel.

11. *Honorus*, on the form see Introd. x. § 13.

15. *parietem* should probably be *pariete*.

17. *calce harenato*, says Mommsen, is for *calce et harenato* (quicklime and mortar), which is supported by the use of *calce uda* below, else we might have supposed it to be masculine here. Cp. Cato, R. R. xviii. 7. *Calx uda*, lime-wash.

19. *opus structile*, apparently the tiles and copings for the roof and the top of the wall; or are we to suppose that the wall itself was to be built with tiles? If so, this would be an earlier date than is generally supposed for walls of Roman brick. We find *murum caementicium*, no. 1279, but this is probably only one of small stones and rubble. The tiles are to be made of clay mixed with a quarter of slacked lime. *Caementa*[*m*] (cp. *portula*[*m*], *angolaria*[*m*]), fem. acc., here = *tegulam*. *Arda* = *arida*: when dry each tile is not to weigh more than 15 pounds.

28. *angolaria*[*m*], the tiles at the corner are not to be higher than four and a half inches. The right explanation of this part of the inscription is due to Otto Jahn.

III. 8. *duoviralium* is *duoviratium* on the stone.

16. *C. Blossius*, etc., is the *manceps* or *redemptor*, 'qui quid a populo emit conducitve—qui *idem praes* dicitur, quia tam debet praestare quod promisit quam is qui pro eo praes factus est,' Fest. p. 151, M. Otherwise he would not be liable for insufficient execution of the contract, which would be visited on the praedes by the *lex praediatoria*.

C. 585. 'Qui dedicant Cornelii sunt de quibus Appianus Bell. Civ. i. 100,' M. Sulla set free the youngest and strongest of the slaves of persons killed in the proscription, to the number of over 10,000, and gave them the citizenship, and called them from himself Cornelii, so that he had a large force of adherents always at his disposal. They seem to have formed a regular collegium.

C. 591, 592. On the *Tabularium* see on S. C. de Asclepiade, p. 460. The Temple of Jupiter Capitolinus was burnt down in 671, and the restoration, com-

menced by Sulla, was finished by Q. Catulus, who was *curator restituendi Capitolii* from his consulship in 676 onwards. So Liv. Epit. xcviii, 'templum Iovis in Capitolio, quod incendio consumptum ac refectum erat, a Q. Catulo dedicatum est.' The year of the dedication was 685.

Other passages cited by Mommsen seem to prove abundantly that these inscriptions refer to the temple and the buildings on the hill. The inscription of his name is frequently mentioned, e.g. by Plutarch, Popl. 15, ἐπεγράφη τῇ καθιερώσει Κάτουλος Σύλλα προαποθανόντος, and Tac. Hist. iii. 72, 'Lutatii Catuli nomen inter tanta Caesarum opera usque ad Vitellium mansit.' These are probably a few out of a large number, as the work of Catulus extended over nearly twenty years. The second may refer to his work amongst the 'cellae et cisternae' under the area of the Capitol, which Varro calls *favisae* or *flavisae* (ap. Non. p. 112).

eidemque probavit, sc. *senatui*. We must suppose a process of giving in accounts, inspection of work, etc., such as is referred to in Lex Par. Fac. iii. 11. The phrase is a common one.

C. 593. This list is supposed to give the names of the tribunes of the year 683, which should be in the praescriptio of the Lex Antonia de Termessibus, q. v. The name of the actual *curator viarum* is doubtful. Mommsen suggests *Volceius* or *Volcatius*.

e lege Visellia. This law appears to have been one for administering certain matters in Rome, but the appointment of a tribune as curator viarum is only inferred from this inscription. Such an officer is mentioned, no. 600, on the bridge from the city to the island, but not called a tribune.

de con(legii) sent(entia); *conlegium conlega* seems generally to be written up to A.D. 32, and after that *collega collegium*, except in the reign of Claudius (Mommsen, in Eph. Epigr. i. p. 79).

The sum is 21072 sesterces. Each ↂ stands for ten thousand. The fullest form is ↂ, or simply ↂ, which is found in Lex Rep. 198, 48, and is expressed in ordinary letters, ccIↃↃ. The form given here is the last cipher reversed. Cp. Introd. ii. § 6, and note on Col. Rostr. p. 414.

C. 599. Cicero's consulship; the names are carelessly cut, apparently for no public purpose, perhaps as the date of a house. The names are thought by Mommsen to be *nominatives*.

C. 603. LEGES AEDIS IOVIS LIBERI FURFONE, p. 224 f. This difficult inscription, which has generally been considered extremely corrupt on account of errors of the stone-cutters, has recently received some light from a paper of Jordan's, in the Hermes, vol. vii. pp. 201 foll., for 1872, who attempts to explain many of the supposed blunders as expressions of the vulgar dialect (Ausdrücke des Bauernlateins). I learn from him that Huschke has also attempted to rehabilitate it, and to explain some of the peculiarities as Sabine. (Fifth supplementary volume of the Jahrb. für class. Philol. 1872, pp. 856–861). Mommsen says of it, 'Sane inter lapides Romanos quos novi nullum offendi, qui ad similem corruptelarum immanitatem ascendat, in hoc tantum, ut pleraque codicibus tradita emendatiora habeamus.' Jordan's paper is worth reading; it would have been improved by a connected translation of the inscription. His chief points are made by comparing

the Narbonne inscription, the dedication of the altar to Augustus (Orell. 2489, Wilmanns, 104).

Furfo was a vicus of Peltuinum, in the country of the Vestini, about fourteen miles south-east of Aquila. It had no municipal rights of its own except in relation to this temple, which had its *aediles*. Mommsen thinks the two officers, *Aienus* and *Baebatius*, to have been not aediles, but duoviri for the purpose of this dedication.

2. *Iupiter liber*, Ζεὺς ἐλευθέριος, is found in an Oscan inscription (Unterit. Dial. p. 170) and in a Campanian one (I. N. 3568).

mense Flusare = Florali. See Unterit. Dial. pp. 340, 343.

3. *comulu teis* is very difficult. Mommsen's *commutateis*, though ingenious, gives but little sense. Jordan thinks that *cumulatis* may be a rustic phrase for 'bound together,' and compares 'per saturam derogari,' etc. *Olleis legibus illeis regionibus*, so the inscription of Narbo, 'his legibus hisque regionibus dato dedicatoque.' *Ille*, in old Latin, seems to have been used in a wider sense than in the classical language; cp. the formulae '*olla* veter arbos,' '*ollus* Quiris,' etc. It is possible that the parallel use of *iste* = hic, in ecclesiastical Latin, may have been a relic of old usage, preserved in popular speech. Cp. also the instances from the Latin bible of *ille* used as an article, Rönsch, Itala und Vulg. p. 419. The next clause is very obscure. I feel inclined to emend *facta* into *factae*, and to connect it with *regiones*, and to translate as follows:—'Aienus and Baebatius dedicated this temple with these laws and boundaries, as (they stand) in stone, at the extremities on every side (*undaequae* = undique), for the purpose of this temple; and as by the temple and the steps built of stone the columns stand inside, on this side the steps and towards the temple; and (as) the beams and boards of this temple (stand); (declaring) that it shall be (law) and right to touch, repair, roof over, remove, take down, improve (?), use iron, carry them forward or backward.' According to this, the definition of the *regiones* goes down in substance to *tabulamenta*, and the *leges* begin with *utei*. The definition of the *regiones* in the Narbonne inscription is, 'utei infimum solum huiusque arae titulorumque est.' The parallel in the same inscription is 'hís legibus hísque regionibus dabo dedicabo, qua híc hodie palam díxero, utí infimum solum huíusque arae titulorumque est: si quis tergere ornare e. q. s.' The regiones there are the extremities of the lowest step or base of the altar: here I understand them to be not only the exterior limits or boundary wall, *extremae undique lapide factae hoiusque aedis ergo*, but the lines of the building, its columns as the dedicator saw them, 'standing on this side the steps,'—perhaps the ground only sloped one way, and so the temple was only approached by steps on one side,—as well as its woodwork, beams, and boards, forming probably the roof and doorway (see on C. 577, 'lex parieti faciendo'). This, however, is not Jordan's view, who expressly limits the regiones to the extremae, and begins a new sentence *lapide facta hoiusque aedis*, e. q. s.; but he cannot really construe the passage with such a pointing. As given above, the passage will construe, almost as it stands, whether we alter *structu* into *structa* (making it with Jordan a neuter apposition to *aedem* and *scalas*), or into *structas*. *Undaequae* = undeque = undique. For *ae* = *ĕ*, see Introd. iii. § 4. *E* for *i* as in

Menerva, mereto, navebos, etc., etc. *Hoiusque* = huiusce : so '*huiusque* arae,' in the Narbonne inscription ; '*huiusque* dici,' the name of a street or vicus in the tenth region, Orell. 5, Jordan, Topogr. d. Stadt Rom. ii. p. 585 ; '*huiusq(ue)* loci,' Orell. 1580 ; '*huiusque* loci,' ib. 2300. Cp. '*eiusque* rei ergo,' Cato, R. R. 141. *Ergo* is placed after its noun, as usual in archaic Latin. *Endo*, if correct, must be adverbial = Gr. ἔνδον. *Endo* and even *indu* does not occur in prose so late ; but Lucretius has 'quod genus *endo* marist Aradi fons dulcis aquai,' vi. 890.

tabulamentum is only quoted elsewhere from Frontinus, Strat. i. 7.

6. *sarcire.* See XII Tabb. vii. 8 ; viii. 9, 13.

mundare can hardly be correct, unless it be taken with *ferro oeti*, 'order the use of iron.' Huschke's *emendare* may perhaps be right. For the use of iron see on Carmen Arvale, p. 388 f., *luci coinquendi*. *oeti* : cp. Lex Agr. C. 200, 11.

7. *promovere referre*, 'enlarge or contract,' showing that the lex here speaks of future, not present, alterations. Jordan instances the Temple of Castor in the Forum as one in which the regiones have been altered ; see further his remarks, pp. 205–207. (*ius*) *fasque esto* is the formula of the Narbonne inscription, and so more likely here than Mommsen's *liceto fasque esto*. The parallel clause is *sí quis tergere órnare reficere volet, quod beneficii causa fiat, íus fasque estó.*

8. The second chapter of the lex is less difficult. It orders that all gifts to the temple (which have become *sacra*) may be sold or put up for contract for the benefit of the temple, and the money so obtained shall be *profanum*—a very liberal and sensible provision. The aediles appointed by the vicus are to have the management of it, and to decide whether they can or cannot sell any given thing without incurring guilt ; e. g. such things as the statue of the god and the instruments proper to his worship could not be sold *sine piaculo*.

9. Mommsen writes *sentiat*, but *sentiunt* may stand as the collegiate action of the *aediles*, who we know were *two* from an inscription brought forward by Huschke (Bull. dell' Instit. 1861, 40, referred to by Jordan).

10. (*vendere locare*) again may be unnecessary to be expressed, if we take into consideration other like irregularities and omissions in this inscription.

alis ne potesto = *alius* : cp. Introd. xiii. § 11. I can find no other instance of *potesto*.

11. *quo id templum.* Orelli wrongly reads *quod*, which has sometimes been quoted as an ablative in *d*.

12. *ea pequnia* is in apposition to *aere aut argento*.

13. *ad id Templum* may surely stand, especially if, with Jordan, we bracket the words *quod emptum erit* as a mistaken repetition. Cp. the citations in Rönsch, p. 390. It might possibly be an ellipse of the gerundive, *ad id Templum reficiendum*, or the like ; possibly a vulgar usage, instead of the usual dative ; cp. 'dare litteras *ad* aliquem.'

15. No one can make anything certain of *fifeltares*. Huschke conjectures that it is Sabine : from *fifla* = fibula would come *fifeltar* = fibulatus, and the 'fibulati' would be a high class of persons in the vicus. Jordan suggests that just possibly it may be a careless and false repetition of the preceding words. The clause, which of course provides for a *multae certatio* before the township, is, it must be remarked, grammatically incomplete.

16. *huc templum*, cp. Introd. xiii. § 28. The use of *ad* here is like that of the preposition in the phrases 'supplicatio *ad* omnia templa,' or '*ad* omnia pulvinaria.' See above, line 13.

Iovis Genio, see Preller, R. M. pp. 74, 75. He quotes a Iuno Deae Diae from the Arval inscriptions, a Genius Iunonis Sospitae from Martian. Cap. i. 54, etc. He believes the genius of a god to be its 'localised numen.'

C. 615. This is interesting for the illustration of the story in Gellius, x. 1, who quotes a letter of Cicero's libertus Tiro, q. v. Pompey asked him whether he should put *consul tertium* or *tertio*; Cicero advised *tert.* We find 'Ti. Caesare *tertio* Germanico Caesare iter. cos.' (A.D. 18), on a Pompeian graffito, no. 1885, and Wordsworth, p. 8, q.v., as well as 'duovir *tertio*,' ib. 188. The record of the iteration of honores begins about this time. *Imperator* is curious, inasmuch as Pompey was at Rome all this year, and present honours alone were generally recorded at this period. Mommsen thinks that this is an exception to the rule. Mr. Davidson suggests that one of his legati in Spain might have earned him the title by some recent successes.

C. 620. Erected to Julius Caesar by the municipality of Bovianum, *D(ecurionum) C(onsulto)*, or *D(ecreto) C(onscriptorum)*.

C. 626. The name *divus* was first given to Julius Caesar during his lifetime, after the battle of Pharsalia, according to Dio Cassius, xliii. 14, in the inscription beneath a bronze statue standing on a globe. Dio says that he at first approved it, but afterwards ordered it to be erased (ib. 21). This inscription can hardly belong to his lifetime. The name seems to have been solemnly voted to him after the appearance of the comet at his funeral games, but whether by the Lex Rufrena or not is uncertain. Cp. the Titulus Aeserninus, I. N. 5014, 'genio deivi Iuli parentis patriae, quem senatus populusque Romanus in deorum numerum rettulit.' The name *divom Iulium* appears on one of the bullets found at Perugia, no. 697.

GLANDES. Pp. 226, 227.

The use of slings and bullets was probably taken by the Romans from the Greeks (*funda* = σφενδόνη, cp. *fallo* = σφάλλω, etc.). Writing or impressing words upon them was also a Greek custom. We find in Greece generally a name (of a general or officer ?), in nominative or genitive case, more rarely a jocular word, such as δέξαι or τρωγάλιον. In Sulla's siege of the Piraeus two traitorous slaves gave information to the besiegers on bullets, Appian, Bell. Mithr. p. 191, Stephens. Similar communication was carried on in the siege of *Ategua*, in Caesar's war against the sons of Pompey (Auct. Bell. Hisp. c. 13, cp. ch. 18), 'glans missa est inscripta: quo die ad oppidum capiendum accederent, se scutum esse positurum.' The form of the bullets is oval, pointed at both ends.

C. 642. This and others were found near Enna, in Sicily. Piso was also the author of the *quaestio perpetua* and a historian (cp. p. 345, and note, p. 425): he is known, from histories, to have attempted to put down the fugitive slaves, but his siege of Enna (*firmissimum fugitivorum refugium*, Oros.) is only known from these bullets.

C. 644–680. *Glandes Asculanae.* The siege of Asculum, in Picenum, by Cn. Pompeius Strabo, was one of the most important events in the social war. The revolt began here with a massacre of the Romans, and the town was not taken till after a protracted siege. (See Mommsen, R. H. bk. iv. ch. 7, vol. iii. pp. 234, 240, 251). These bullets are interesting indications of the feeling between the combatants, and give some historical information, as to the presence of particular legions. These are, however, not free from doubt, as some names are of a much later date, which I have omitted, e. g. no. 660, *L.* XII *ful(minata)*, 662. *Leg.* XVIII | *Fir.*, which Mommsen supposes to be *Leg.* XVI *Flavia firma*, and 664. *L.* XXX | VV, which he thinks must be *Ulpia Victrix.*

C. 681. *Glans Mundensis*, the only one as yet found, though we have a reference to inscribed bullets, as used in this war (Auct. Bell. Hisp. c. 13 and 18, see above). *Cn. Magnus* is the ordinary title of the younger Pompey; *Magnus* of the elder.

C. 682–705. *Glandes Perusinae.* Appian tells us that this siege was carried on λίθοις καὶ τοξεύμασι καὶ μολυβδίναις (Bell. Civ. v. 36), and that the Caesarians were better shots (ἀκοντίσαι ἀμείνονες), while Lucius' gladiators were formidable at close quarters.

C. 682. The name *Octavius*, or *Octavianus*, was always used by the opponents of Augustus, or by those who thought lightly of him. Cp. Cic. ad Att. xiv. 12, 2, 'nobiscum hic perhonorifice et amice Octavius, quem quidem sui Caesarem salutabant, Philippus (his step-father) non, itaque ne nos quidem.' He never used it himself as his ordinary name.

C. 685. *L. Antoni Calvi.* We ought probably to read CALVII or CALVE. He appears with a bald forehead on a coin (given in Smith's Dict. p. 217), on the other side of which is a head of his brother, the triumvir, with plenty of hair. This coin was struck in his consulship, the year of this war. The dispute between him and Octavian was about division of lands among the veterans.

Caesarus, a late use of this termination. See Introd. x. § 13.

C. 686. MAR(S) VLT(or), said to have been found in Aprutium, but probably to be placed in this collection. The first mention of this god is in the war against the liberators, when Octavian vowed a temple to him.

C. 689. *Q. Sal(vidienus Rufus Salvius) Im(perator)*, probably consul designate, who was on his way to Spain with six legions, and recalled by Octavian against Perusia. Eckhel (v. 299 al.) gives a denarius of his, having on one side the head of Octavian, with legend *C. Caesar.* III. *vir r. p. c.*; on the other, a winged thunderbolt, as here, with the legend *Q. Salvius . Imp. cos. desig.*

C. 692. *Esureis, et me celas.* Appian (v. 35) graphically describes the famine and its concealment. Lucius began by starving the slaves, and would not allow any funeral piles to be lighted.

TESSERAE GLADIATORIAE, ETC. Pp. 227–229.

These curious little inscriptions are now generally allowed to be rightly called *gladiatorial*, but the exact purpose to which they were applied is not known. Rather more than sixty have been catalogued and copied, almost all coming from

Rome or central Italy. They consist usually of small oblong prisms of bone or ivory, with a handle at one end, pierced so as easily to receive a ring, by which it could be strung or hung up, and with writing on each of their four sides. The inscriptions upon the sides consist: 1. of the name of a man in the nominative case; 2. of another in the genitive case, rarely followed by *S(ervus)*; 3. of SP. or SPE. or SPECT., followed by a date of the day of the month; 4. the name or names of the consuls. As to the meaning of these inscriptions, it is to be remarked that the first names are either Greek or servile Latin names, especially such as elsewhere occur as gladiatorial names, or are like them. Such are *Celer*, *Asper*, *Suavis*, *Boreas*, *Fructus*, *Repentinus*, *Pinus*, *Pinitus*, *Felix*. The second name is certainly that of the master or patronus, whose gentile name is rarely taken by the slave, as no. 736. I believe *L(ibertus)* has never been found marked on a tessera. No. 755 (if *sociorum* is right, not *Sosiorum*) seems to have belonged to a company. As to the dates, rather less than half are Kalends (of all the months *except* March, May, and August); a good many others are Ides and Nones; comparatively few intermediate days. Curiously enough, the regular days of the gladiatorial games, XIII–X Kal. April. (Ovid, Fasti, iii. 118), do not seem to occur. A few have only the name of the month. As to the years, these range from about 85 B.C. to 75 A.D., that is, from the time of Sulla to that of Vespasian. The great difficulty is the interpretation of the word usually written SP. The fullest form of it is given by the MS. copy of the tessera of Arles; and, if that is (as it would seem to be) genuine, we arrive at a simple and natural explanation. Reading, as we certainly must, *mun.*, and not *num.*, we find there a fuller formula, *spectat(us) mun(ere)*, and infer that *sp.* is to be explained as *sp(ectatus)* in all cases, which obviously gives a new and very apt meaning to Horace's familiar lines, '*Spectatum satis* et donatum iam rude quaeris | Maecenas iterum antiquo me includere ludo?' Ep. i. 1, 2. It is a very plausible theory that gladiators who had received a certain number of these tesserae for good service, were entitled to honourable dismissal. What, however, is to be made of the tesserae with *spectavit*? Hübner, with the fullest knowledge of the difficulties of the subject, and the greatest suspicions, saw no reason to doubt the genuineness of the one in Brit. Mus., *Protemus Faleri spectavit N. S.*; and this confirms the other two given in the text. Can it simply be an ignorant misuse of the active for passive? or does it refer to a different matter altogether? or are we wrong in the plausible explanation of *spectatus*? The question cannot at present be answered; but it is very desirable that all the tesserae as yet inedited, a good many of which exist in private, and even in public collections, should be critically examined.

The Andalusian tessera offers other difficulties. The first is the peculiar F, about which nevertheless there can be no doubt. *Limicus* is one of a tribe settled on the river still called Lima, in northern Lusitania. *Borea* appears to be a dative, though exactly parallel instances cannot be quoted; if we may suppose the man to have been a gladiator, the name will be natural enough: cp. *Repentinus*. *Cantibedonie(n)si* will be the name of his tribe or birth-place, but *Cantibedonia* is else unknown. *Muneris tesera(m)* will of course be in this case the ticket given to the gladiator Boreas by the munerarius Celer. The date *anno*, etc.

is curious, and perhaps unexampled. The year intended is probably A.D. 27, when M. Licinius Crassus and L. Calpurnius Piso were consuls. The two consuls named M. Licinius Crassus, of A.U.C. 684, B.C. 70, and of A.D. 64, are probably excluded, as they were consules minores; whereas the Licinius of A.D. 27 was consul maior, i.e. the first elected. It is a general rule that when one consul only is mentioned, the consul maior of the year is intended, as the one who stood first in all official documents.

Tessera hospitalis Pallantina. P. 229.

This is the oldest of the Spanish tesserae hospitales, of which there are five besides this, in existence (C. ii. 1343, 2633, 2958, 2960, 3695). Cp. notes on S.C. de Asclepiade and no. 532, *Tessera Frudana*. The names are mostly found nowhere else. *Acces* may be compared with other Spanish names, *Aefes*, *Orises*, *Sipipus*. *Licerni* is genitive, *f*(*ilius*) being frequently omitted in Spanish inscriptions, as twice below. A similar name is *Logirnus* (C. ii. 4970, 268). *Intercatia* is a town of the Vaccaei, to whom Pallantia also belonged. *Aneni*, son of *Ammedius* (?), and so *Ammius*, son of *Caenecaenus*. *Flaisicum* is supposed to be gen. pl. of the name of a people: cp. *Calnicum*, *Canbaricum*, etc. 'Aneni igitur Ammedi (filii puto..) nomen eius putandum est qui inter Accem et Palantinos egit per magistratum illum hospitio, i. e. domi, Ammi filii Caeneceni,' Hübner. Perhaps we may suppose some such word as *egit* lost or understood. But, as Hübner explains it, the transaction seems to have been a curious roundabout affair, done by somebody else through the magistrate of another people, at somebody else's house.

C. vii. 1262. The *tes*(*sera*) *Dei Mar*(*tis* ?), which has a handle and ring complete, was (and perhaps is) in possession of the Royal Society. *Sediarum* is conjectured to be a tribal name—'of the Sediae,' but this is quite uncertain.

Pars Tertia.

TITULI AETATIS MINUS CERTAE. Pp. 230-242.

C. 807. After the destruction of Alba, Bovillae appears to have succeeded to its place in regard to the ceremonies on the Alban Mount. The Iulian gens took its rise from Alba, but we find that 'sacrarium genti Iuliae effigiesque divo Augusto *apud Bovillas* dicantur' (Tac. Ann. ii. 41) after the death of Augustus. This inscription shows the gens holding sacrifices at the same place. The name *Vediovis* is rather the 'destructive Jove' than the 'little Jove,' as Ovid and Festus explain it. Gellius, v. 12, and Macr. Sat. iii. 9, identify him with Pluto; and Martianus Capella (ii. 166, Eyssenhardt) no doubt rightly explains the name to be the same as that of the Etruscan god Vedius, 'quem etiam Ditem Veiovemque dixere.' He was the god of destructive lightning, and was represented armed with arrows (see Smith's Dict. Biog. s. v.). The first element in his name is probably the same as in *vi-dua*, *ve-cors*, *ve-sanus*, *ve-stigium*, a preposition *vi* or *ve* signifying separation, which is very possibly the same as *di*, *dis* (orig. *dvi*; cp. *bis*=*duis*, and *vi-ginti* for *dvi-ginti*, Curt. Gr. Etym. p. 36). *Lege Albana*, according to the use of Alba;

no doubt a written ritual; cp. 'Larib(us) d(ona) d(ata), Romano more dedicata,' on an altar at Amiternum, Henzen, 6118.

C. 814. *Corniscas* is remarkable as an elsewhere unexampled form of the dative. Mommsen compares the singular *Fortuna*, etc. See Introd. viii. § 11.

C. 818–820. TABULAE DEVOTIONIS. Pp. 230, 231. These three are found in sepulchres, and are put together on account of the similarity of the subject; and I have added two others of slightly different character from other sources. Similar *devotiones* are read in Greek inscriptions, of which a specimen may be given as found at Athens, near the portae Hippades: Ἑρμῆς χθόνιος, Γῆ κάτοχος, | καὶ πρὸς τὴν Φρεσφόνην. | Φερσεφόνη, καταδῶ Κτησίαν | πρὸς τούτος [i. e. τούτους] ἅπαντας, | καὶ Κλεοφράδην | καταδῶ πρὸς τὸς αὐτὸς, ὥσπερ | καὶ Ναυβάτην καταδῶ πρὸς τὸς αὐτὸς. | Τληπόλεμον καταδῶ | καὶ τὸς μετὰ Κτησίου ἅπαντας καταδῶ. For others see an article by F. Lenormant, *de Tabulis devotionis plumbeis Alexandrinis*, in Rh. Mus. xix. p. 364 foll. for 1854. Tacitus mentions such things in his account of Germanicus' death, which was attributed to Piso's magical arts: 'Saevam vim morbi augebat persuasio veneni a Pisone accepti; et reperiebantur solo ac parietibus erutae humanorum corporum reliquiae, carmina et devotiones, et nomen Germanici plumbeis tabulis insculptum, semusti cineres ac tabo obliti, aliaque maleficia quis creditur animas numinibus infernis sacrari,' Ann. ii. 69, and similarly Dio, lvii. 18. Plato speaks of such ἐπαγωγαὶ and κατάδεσμοι, Rep. ii. p. 364 C, and De Leg. xi. p. 933 A. At Rome they may be considered an application for private purposes of the incantations used in public, when a general devoted himself or the enemy to the infernal gods. See the *formulae*, pp. 284–286, and notes.

C. 818. *nec loqui nec sermonare.* So on an Oscan tablet quoted by Mommsen, 'nep fatium nep deicum putians' = 'nec fari nec dicere possint.' '*Sermonari*,' says Gell. xvii. 2, 17, 'rusticius videtur . . . *sermocinari* rectius.'

In l. 12 *Rhodine* was added later, says de Rossi, in order to have it repeated *thrice*. Cp. Theocr. Id. 2, 43, ἐς τρὶς ἀποσπένδω καὶ τρὶς τάδε, πότνια, φωνῶ, etc.

C. 819. *Danaene* seems to be the accusative; we have often such genitives as *Danaenis*, and datives as *Danaeni* in later inscriptions, and Mommsen quotes a MS. inscription, 'quei me reliquit leiberta(m) *Helpine* annorum natam XIII,' for the accusative, though this is not an exact parallel. See note on no. 1059.

C. 820. *delatum*, sc. 'apud deos inferos.' Observe the legal formality with which the writer guards against an alias, and cp. the next inscription. *L. L.* = *Lucii libertae*. *Nomini*, see Introd. x. § 10, p. 70.

TABULA ARETINA. Observe *desacrificio* for *desacrifico*.

sive quo alio nomine, etc. The importance of addressing a god by the right name is often noticed; so the formula *si deus si dea es.* Cp. note on no. 178, p. 410.

itusm is difficult. Gamurini's conjecture that it = *istum* = *hunc*, has this difficulty, that this usage is probably later, though common enough in ecclesiastical Latin. Rönsch does not mention it in his useful book Itala und Vulgata, though it is found frequently in St. Cyprian. The conjecture which I propose has another difficulty, the rareness with which *t* stands for *d* in the middle of a word, though frequently put for it at the end. We have, however, in C. vol. i. *Alixentrom* and

Alixenter, 59 and 1501, and *Hortiomius*, 568; in C. ii. (Hispan.) *atintorium*, *atlectas*, *atnato*, Ind. p. 777; and C. iv. (Pomp.) 1486, Add. p. 208, *atcesid*? = *adcessit*.

C. ii. 462. *imudarit*, rustic for *immutarit*; this also is a much rarer interchange in the middle than at the end of words, forms like *feeid*, *inquid*, *dicud*, *rogad*, being pretty common. So *Sadria*, 1256, is probably for *Satria*, and *id(em)* for *it(em)*, Or. 4396, quoted below on no. 1313. *Quodannis* occurs in Inscr. Hisp. 474, 3664, 4514. *Involare*, 'to steal,' is used in good authors, e.g. Catullus, xxv. 6, with 'pallium.' It is probably to be treated as a separate word from *involare*, 'to fly upon,' coming, as Rönsch suggests (l. c. p. 372), from *vola*, the hollow of the palm. He notices as derived from it the French *embler*, and from the simple verb the ordinary *voler*, which is not unlike Laberius' *manuari*.

paenula is plural from a neuter *paenulum*. The end may be variously supplied.

C. 822–1005. OLLAE EX VINEA S. CAESARII. P. 232. The name of the person whose ashes are in the olla stands generally in the nominative; we have genitives only twice, as 916, 952. Besides this stands generally the day of the month, and nothing else; other instances here given are exceptional. There is an admixture of Greek usage, some being quite Greek, and to this is to be referred the *Dekem(bres)* of 844; similarly the termination *-is* for *-ius* in *Anavis*, 831, *Caecilis*, 842, *Clodis*, 856, *Ragonis*, 945, etc., is a common Greek usage.

No. 868. This has a curious likeness to a *tessera gladiatoria*, but must be different, though the interpretation *sepultus* cannot be considered as certain.

Notice the female praenomina, 952, *Paulla*, and 981, *Marta*.

C. 1006. *Maarco*. It is remarkable that we have Μάαρκος regularly in S. C. de Thisbaeis, B. C. 170, and since it is not a Greek custom to represent long Latin vowels by doubling them, Mommsen conjectures that the Romans said in old times *Ma(h)arcus*, Eph. Epigr. i. p. 287; he considers this epigram to be one of affected archaism, and notes the omission of the cognomen. In line 2, in the lower text, *quod* is a misprint for *quom*.

C. 1007, 4. *Soro*: so *sorom*, gen. pl. C. 588; *soreis*, Lex Rep. 50, and 1258. *Tovam* is probably to be read in 1290, but is elsewhere unknown. This epitaph has often been noticed as finely expressing the Roman idea of a good woman.

C. 1008, 3. *statuĕrunt*. Cp. *invenĕrunt*, Varro, Menipp. 'est modus,' p. 359 and note. 16. *tolit*; so in 1019, *vixsi et fortunam quoad vixsi toli*.

C. 1009, 5. *parenteis*; see Introd. iii. § 5, note. 13. *Graeca in scaena*. Mommsen has spoken of the 'Greek entertainments,' probably musical and declamatory, in his R. H. vol. iii. p. 424, and iv. p. 618, E. T., referring to Liv. xxxix. 22 for Greek artists (τεχνῖται) and athletes in 568, and to Polyb. xxx. 13 for Greek flute-players, tragedians, and pugilists in 587. Tacitus (Ann. xiv. 21) wrongly states that no Greek games were exhibited before 608 V. C. Women now first began to perform in public at Rome.

22. *terram*. The note S. T. T. L. = 'sit tibi terra levis,' is very common; but does not, I believe, occur in these early inscriptions.

C. 1010. Observe *Prima* as a praenomen; *ossua* from nom. *ossu*. Two iambic lines can be made by reading *Fors* for *Fortuna*.

C. 1011, line 7. *una meo praedita animo = unice mihi amata*, 'sole mistress of my heart.' 10. *quin* is conjectured for *qum*, and *amaritie* for *avarities*. The first seems unnecessary, though approved by Haupt and Mommsen; the second is more probable, i. e. 'Never in any bitter chances left her duty towards me undone.' *In avarities* would mean, 'Never left her duty for love of gain.'

1. Observe *Philematio* beside *Philematium*. 10. *ee vero* is superfluous after *vee*, but does not want correction on that account in such a poem; *ex vero* is found, but not in quite similar usage. I had doubtingly conjectured *e puero*. 15. *necis potior* is of a piece with the other rough phrases of the poem, as *nex* ought properly to be a violent death. It seems simply put for 'I died.' The end is broken off.

C. 1051. The sepulchral formula *ἔσχατος τοῦ ἰδίου γένους* is referred to by M. Aurelius, viii. 31. The only other parallel known is on a bust, 'quisquis hoc sustulerit aut laeserit *ultimus suorum* moriatur,' Reines. xx. 441 (Le Blant, Manuel, p. 57). The cutter seems to have made a mistake in *Cupiennia*, and then to have gone back and half corrected it.

C. 1059, 3. *Hymnini* should be *Hymnidi;* but such a metaplasmus of declension in Greek words is common in Roman inscriptions, especially in the case of stems ending in *d*. Thus we have *Hymninis*, 1206, *Lampyrini*, 1031, and so in Inscr. Pomp. *Scepsini, Sinurini, Mysine* (abl.), and, in later times, such forms as *Philemationi*, as well as *Agapenis*, *Zosimeni*. It seems, then, most probable that this metaplasmus first arose by a substitution of *n* for *d* in the consonantal declension, and was later carried on by false analogy in the mouths of ignorant people to the *a* and *o* declensions. We must note, however, that *Parnaceni*, from *Pharnaces*, occurs in no. 1064, and *Danaene* has been noticed, no. 819. Neue, i. p. 64, gives many instances in the first declension, but not in the others.

In fronte, etc., the regular designation of the size of a burial ground, towards the road and towards the field. Cp. Hor. i. Sat. 8. 12 foll.:—

'Hoc miserae plebi stabat commune sepulcrum
Pantolabo scurrae Nomentanoque nepoti.
Mille pedes in fronte trecentos cippus in agrum
Hic dabat, heredes monumentum ne sequeretur;'

though the passage seems to be hardly serious: at least, if the Esquiline was so devoted to burial, it is difficult to see how Maecenas could have secularised it. For the formula of the last line see on no. 1090.

C. 1064. *Parnaceni*, see on the last inscription, *Hymnini*. Ɔ. L = *mulieris libertus*, see Introd. ii. § 3, note. 'Aucti coniux, Corymbi patrona Montana fuit, cuius fortasse fuit patronus Pharnaces.' M.

C. 1086. *scurrae homini;* there seems to be nothing necessarily contumelious in the word. Corssen derives it from the wide-spread root *skar*, 'to cut.' *pii*]*ssumo* is not absolutely certain, but this superlative is often used in epitaphs. Cicero criticised it in Antony, but is said to have used it in his own letters (Philip. xiii. 19, 43. I cannot verify the reference to Pompeius given by King and Neue, ii. p. 82). It is used by silver age writers, Seneca, Tacitus, and Florus.

C. 1090 *hoc sepulcrum heredes non [se]quetur*, one of many similar formulae. So 1031, H . M . E(XTERUM) NON . SEQ. ; Orell. 2807, etc., H . M . H . N . S ; ib. 4875, H . M . E . H . N . S ; ib. 4182, H . M . S(IVE) SEPULCRUM) F . H . H . (i.e. heredes) N . S.

C. 1108. *serrarium* is genitive plural. The word means a stone-sawyer, λιθοπρίστης, lapidarius.

C. 1110. A pretended antique copy of this is found at Basle, and was, from the shape of its letters, universally condemned by antiquarians. Mommsen, agreeing that the letters were falsified, defended the genuineness of the inscription, and the original was shortly afterwards found near Lanuvium—a great triumph. *Q. Caecilius* is freedman of Gnaeus and Aulus Caecilius and of Q. Flaminius. Festus, p. 343, speaks of *sispitem Iunonem* as an ancient form of *sospitem*. The name *Iuno mater regina* was not found in full before this inscription, and the *m* used to be wrongly interpreted *m(agna)*.

C. 1113. On the tithe, see above, on no. 541, and below, on no. 1175.

C. 1119. *(Camilia)*, sc. tribu. For IIII*viri iure dicundo* see Lex Iulia, 83, p. 468.

C. 1143. *Q(uaestores)*, these magistrates are mentioned more rarely than the *praetores* or *duoviri* or *quatuorviri* (see note on p. 468). They had, of course, the control of the municipal treasury, and the letting of the revenues and vectigalia. Cp. note to C. Gracchus, *quaestori Sidicino*, p. 354. *Culinam.* Are we to understand the sort of kitchen, mentioned Fest. Ep. p. 65, 'locus, in quo epulae in funere comburuntur,' or simply one attached to a town hall? F. D. S. S. C. = *faciundam de senatus sententia curaverunt*. *Af muro.* See on Ep. ad Tiburtes, 201, 11, p. 459.

C. 1166. TIT. ALETRINAS. A facsimile has been separately edited by Ritschl, with a commentary, Berlin, 1852. The date must be earlier than the Lex Iulia Municipalis, as we find the municipal senate granting immunity from service to the sons of Betilienus, which they could not otherwise do. The doubled vowels, which we first find in inscriptions in the age of the Gracchi, give us a probable terminus a quo, as they are supposed not to have been used much after V.C. 680, see Introd. ii. § 8. The rarity with which consonants are doubled here (once only, *oppido*, beside *macelum, opidum, ese, iousit*), inclines us to put it as early as possible in this period, as do other peculiarities noticed by Ritschl.

2. *infera* = infra, cp. *supera*, no. 1011, 11.

3. *senatu* is perhaps contracted for *senatui*, a locative form, which appears ordinarily as *senati*, see Introd. ix. § 15.

7. *horologium.* This must be either a sun-dial (*solarium*) or a water-clock (*clepsydra*), the only two with which the ancients were acquainted.

8. *basilicam* is the town hall. *calecandam* = calce poliendam, 'plastered and cemented.' Festus has *calicata* and *decalicatum*, pp. 59, 75, M., but other parts of the verb are not found.

11. *adque arduom* = ad arcem ; the *fornices* were to support the aqueduct.

12. *fistulas*, water-pipes. These are found, says Rich. s. v., of this form in section Ó ; *soledas*, is a remarkable epithet, but must mean merely 'substantial.'

13. *censorem.* Such officers in allied states are mentioned by Livy, xxix. 37, 'deferentibus ipsarum coloniarum (Latinarum sc.) censoribus.' The ordinary

name for such an officer is *quinquennalis*, see on Lex Iul. pp. 468, 470. Cp. Mommsen, R. H. vol. i. p. 439, E. T. From holding this office, no doubt he got the cognomen *censorinus*, line 16, as did Marcius Rutilus, censor for the second time at Rome, v. c. 489, an honour gained by no one else. (Fast. Cap.)

14. For *stipendia mereta* cp. Lex Iulia, 90 foll. Caesar tacitly disallows such exemptions, at least in candidates for municipal honours.

C. 1175. TITULUS SORANUS, also edited by Ritschl, with the milestone of Polla, Bonn, 1852.

The *Vertuleii* are evidently merchants; such persons were accustomed to vow a tithe to Hercules, who, from a god of victory, had become simply one of luck: cp. 'dives amico Hercule,' Hor. ii. Sat. 6. 13, of a man who found a crock of gold. For the nom. *Vertuleieis* and *leibercis* see Introd. ix. § 7. This would fix the date as between v. c. 564–664 = 190–90 B. C., as far as has been observed up to the present time. We may place it about on an equality, in age, with the milestone of Popilius, i. e. in the age of the Gracchi, 620–630 v. c. The use of Saturnians must be considered an affectation of archaism. Cp. no. 1006, p. 487.

2. *re sua afleicta* are ablatives. 4. *heic* = ad hanc aram, where the children paid his vow, the tithe of his gains.

6. *poloucta* = pollucta. *Pollucere* is probably the same in meaning and derivation as *porricere*, 'to proffer to a god, consecrate.' For this root see on XII Tab. x. 3. The method was to place a certain portion of the provisions for the cena upon the altar, with regular forms of prayer, and then to proceed to eat, on the supposition that the god accepted the whole. See Cato, R. R. 132, and Varro, L. L. vi. 54, as well as many others referred to in the dictionaries. From this come the metaphors of Plautus, *polluctus* virgis, *pollucta* pago, etc.

7. *danunt*, a lengthened form of stem *da*, as *nequinont* from *nequi-re*, etc., etc., see note on Enn. Ann. 181.

10. *orant se voti* . ., 'they beg that thou wilt frequently condemn them in their vows,' i. e. grant their prayers on other occasions. So Vergil's 'damnabis tu quoque votis,' Ecl. v. 80, implies that Daphnis will be possessed of a god's full power to help his worshippers. *Voti* and *votis* are both locatives in form and sense.

C. 1199. L. Papius Pollio, according to his father's last will, did three things in honour of his father under the approval of L. Novercinus. In the first place, a feast of *mulsum et crustum* (sweet wine and pastry) to the colonists of Sinuessa and Caedicii, perhaps at the funeral; secondly, a spectacle of gladiators, and a dinner to the colonists of Sinuessa and the members of his own gens; thirdly, he made a monument costing 12,000 sesterces. The use of apices on the vowels dates this inscription as late as Cicero's consulship. Cp. Intr. ii. 8. *Caedicianeis*, the vicus of Caedicii, is six miles from Sinuessa, on the Appian Way. *arbitratu*, cp. Hor. ii. Sat. 3. 84 sq.—

'Haeredes Staberi summam incidere sepulcro:
Ni sic fecissent gladiatorum dare centum
Damnati populo paria et cenam arbitrio Arri.'

Such an *arbiter* is often mentioned, e. g. no 1228, . . . Tullio C. f. Macro | duo. vir. quinq. | ex testamento | *a*rbitratu Ofilliai C. f. | Rufai uxoris.

C. 1200, 1201 probably refer to altars. The forms are ancient; compare the Pisauran inscriptions, 167–180. They must, however, be later than the Hannibalic war, says Mommsen, before which the Campanian territory was not in the hands of Romans. The name *Pales* seems the only one that will fit the space, Cybele and Semele being too long.

C. 1202. Notice the apex on *fáto*, and cp. no. 1199. *vitai es*, to be pronounced *vitai's*, Lach. Lucr. iii. 374. *aetate iuenta*; both *iuventa* and *senecta* are properly adjectives. For the loss of *v* compare *Iuentia*, C. 885, *iuenis*, C. iv. 1373, 1755. *Martem* is of course a misprint for *matrem*.

C. 1215. See on Lex Agr. line 18, p. 453.

C. 1220. *spatiarus*, cp. 1267, *utarus*.

C. 1238. We notice here that the name *Lumphieis* = Νύμφαις. Cp. the inscription found near Vicenza, Orell. 1637, and vol. iii. p. 151, NYMPHIS LYMPHISQ. | AVGVST(is) (cp. n. 2324) OB REDITVM | AQVARVM | P. POMPONIVS CORNELIANVS C(larissimus) I(uvenis) VT VOVIT, and Hor. i. Sat. 5. 97, 'dein Gnatia *lymphis* | iratis exstructa;' and so *lymphatus* = νυμφόληπτος. It is more probable, however, that both are Greek words, than that *Lympha* or *Lumphia* is Latin, for we find the interchange of λ and ν in Greek dialects, but not in Latin: thus Hesychius gives νάρναξ for λάρναξ, and we have, conversely, λίτρον for νίτρον, cp. βέντιστος, φίντατος, ἦνθεν, etc., Doric forms. Two words only are instanced in which Latin has *l* for Greek *n*, *clendes* = Gr. κονίδες (eggs of lice, nits), and *pulmo* = πνεύμων, but πλεύμων is, at any rate, also found in Greek. (Cp. Ferrar, pp. 76, 139.) The Oscans, also, would seem to have borrowed from a form beginning with *l*, as they write *Diumpais*, which cannot be formed directly from Νύμφαις. Historically, too, the worship of the nymphs is Greek, and not Latin. The only trace of such beings in Roman mythology are certain *Virae Querquetulanae* mentioned by Festus, p. 261, as 'praesidentes querqueto virescenti' (the MS. has *ut re*, but *virae* is evidently right, from what is said a few lines down). Are they to be identified in any way with the *Vires* of inscriptions? e.g. Henzen, 5763, LVMPH(is). VIRIB(us) | Q(ue). VIBIVS. SERENVS | V. S, and 5764, where we have *cellas Fontis et Ventinae et Virium*.

C. 1256. *Q. Medicus* must mean *Quinti libertus medicus*, though elsewhere, perhaps, unexampled. Physicians were frequently foreigners and slaves. Old Cato's horror of the new Greek medicine is well known; see the passage quoted by Pliny, given on p. 342, and the notes on it. Slaves in this position are mentioned by Suetonius, Calig. 8, Nero, 2. φύσει δὲ is also irregular: here it means before he was a slave; generally it gives the name before adoption into another family. φυσικὸς οἰνοδότης no doubt means that he belonged to the sect of wine-doctors established by Asclepiades of Prusa, and frequently mentioned by Pliny. This places the inscription in the time of Pompey the Great. *Sadria* = *Satria*? *S(purii) f(ilia)*, not *Sexti*, which would be *Sx.* or *Sex.* *Spurius* is, in later times, represented by *Sp.* (cf. Mommsen, Röm. Eigennamen, p. 17).

C. 1290. Notice *tov[am]*, which seems certain, though elsewhere unexampled, cp. 1007 and 1418. deCYMA is of course a misprint for deCVMA.

C. 1297. A very early hexameter distich. Mommsen supposes the lines ought to have run—

Protogenes Clouli suavis situs est hic mimus,
Plouruma que(i) fecit populo soueis gaudia nuges;

following two observations of Lachmann's (Lucr. i. 993), that *heice* is not found in old authors, but *heic*; and that *-us est*, not *-ust*, is the use of this age. But *heicei* may be *heic ei!* and *situst* stands on the stone, Lachmann notwithstanding.

C. 1313. *Abelese* and *Plenesc* seem to be names of wives in the dative, which might be in later writers *Abelisiae* and *Plenisiae*. This is better than supposing them to be the names of mothers, as we should expect *n*(*ato*).

3. Are we to read *lectu*(*s*) *e*(*st*) or *lectu*(*s*) *unus?* *Lectus* seems to be a rare use for *loculus* or *locus*, the hole in the rock in which the body is buried. The last lines are obscure.

Amplius nihil may either be a limitation on the grant to the *Vecilii*, or it may go more probably with the last lines, *nihil* and *ne* being a double negative; or, best of all, there is a mixture of two sentences. 'Nothing more (must be done) without the consent of the Levii, and no one must place a body in front of those of the Vecilii (without the consent of him), whose duty it is to sacrifice to their manes.'

parentaret is apparently a solecism for *parentet*.

The use of *anteponat* is paralleled by an inscription at Ravenna, Orell. 4396, D.M | ANNIA.CRESTINA ET | C.SEXTILIVS MARIVS.V(ivi) SIBI P(osuerunt). | PETIMVS NE QVIS NOS | INQVIETET EX ARCA NOSTRA | NEQVE AB.ANTE.ALIAM PONAT.NEC | COMMVTET ID(em=item) QVOT(annis) D(ivisio) F(iat) S-H C(entum). This last line also illustrates the custom of *parentalia*. See on the Calendar, Feb. 21, the Feralia.

C. 1346, etc. These bilingual inscriptions from Etruria illustrate the Etruscan usage of putting the mother's name as well as the father's. The forms *Alfni* and *Varnalisla* beside *Alfius* and *Varius* show that the Etruscan names rather represent *Alfenus* and *Varenus*. So *Canzna* answers to *Caesius*, or rather perhaps *Caesenus*.

Vl. Alfni Nuvi Cainal = *Volesus* or *Valesus Alfenus* or *Alfius Novii filius Cainnia natus*, and evidently was a different person from *C. Alfius*.

C. 1349. Should, I suppose, be *Larth*, not *arth*, as Mommsen gives it.

C. 1418, 4. *auctorateis*. See Lex Iul. 113, p. 470.

15. *vivous*. Cp. *pr*(*o*)*boum*, C. 16, on coins, for a similar termination: *ou* for short *u* or *o* is found in *clouacas*, 1178, *souom*, 588, etc. It seems to be a Graecism.

C. 1434. Observe the forms of the letters, and correct Introd. ii. § 8 ad fin.

C. 1438–1454. SORTES. Pp. 241, 242. These sortes would seem to belong to a Temple of Fortune near Padua. Suetonius (Tiber. 14) mentions the place, which he calls Geryonis oraculum, and says that Tiberius drew a lot there which ordered him to cast golden tali into the spring of Aponus. The form of these metal sortes is illustrated by a coin of M. Plaetorius Cestianus (given in Smith's Dict. p. 381), where the word SORS occurs on a tablet with a handle at the end (Mommsen says each end), held by a female figure. They were probably strung together by these handles, and one chosen at random by the enquirer. To this arrangement it

seems we must refer the well-known prodigies mentioned by Livy of *sortes* growing thinner or longer, or leaping from their place, which might naturally occur with changes of temperature. Mommsen would explain the derivation of the word from their arrangement in such a *series*; but surely it is simpler to explain *sors* as what is *ordered* by Fate or Providence. The *sortes* best known to literature, and the only ones in vogue in the time of Cicero, were those of Praeneste, which were of wood and kept in a chest. When consulted they were mixed by a boy and then drawn (Cic. de Div. ii. 41, 85 and 86). Livy preserves the inscription on one at Falerii, *Mavors telum suum concutit* (Liv. xxii. 1. See other authorities in Marquardt, iv. p. 103). These are in vulgar hexameters, which Ritschl has criticised in Rh. Mus. l. c., but often suggests unnecessary alterations. There is no reason to think the writer was an accurate versifier. The sentiments are generally bits of cautious common sense, applicable to almost any circumstances,—'You can't put what's crooked straight;' 'Don't be such a fool as to believe them;' 'Take care lest what is uncertain becomes a fact;' 'Don't let what's true become false by judging falsely;' 'It's a very fine horse, but not one for *you* to ride;' 'Ask boldly and cheerfully and you will succeed;' 'Don't despise what you are running away from, what you are tossing aside, I mean what is being offered you;' 'Why ask too late? you ask for something that has no existence.' Sometimes they address the enquirer as coming with an incredulous or ungrateful temper—'We are not liars, as you said; you ask questions like a fool;' 'I often help very many, but when I have done so I get no thanks.'

The following points of metre may be noticed:—In thesi *conrigĭ, vehĭ, tibeĭ, ubeĭ, profueĭ, rogăs*. In arsi, *certā, falsā*. Synizesis, *căveas* twice as a spondee, *consĭlium* (as in Hor. Od. iii. 4, 41), and others of the same sort.

C. 1439. *ne fore* is a colloquial imperative, like the Greek = 'Don't be a fool,' and requires no emendation.

C. 1448. *quod* must be cut out to make a hexameter, or *pete* read for *petito*.

C. 1449. *sum*[*us*] is necessary to the sense; the sortes speak: 'We are not liars, as you said,' *quas dixti*.

C. 1451. *gratia*[*m*] *nemo*, sc. refert.

C. 1453 requires no alteration whatever: for *iactas* in this sense cp. Plautus, Rudens, 372, 'Noví, Neptunus íta solet: quamvís fastidiósus | aedílis est: siquae ínprobae sunt mérces *iactat* ómnis.'

APPENDIX.

Inscriptiones Parietariae Pompeianae.

I have thought it well to give a small selection from the large number of these curious inscriptions, very carefully edited by Dr. C. Zangemeister, librarian at Gotha. For a general account of the book I may be permitted to refer to a review in the Academy, vol. ii. p. 443 foll. for 1871. The first collection of any

size was made by my father (the present Bishop of Lincoln) in 1832, and published in 1837, and it excited a good deal of interest as being a decided novelty in philology. His readings have been revised in great measure by later investigators, who have had advantages which he did not enjoy; but his book (if I may say so) is in some respects still a model of what such a book should be.

Tituli Picti. Pp. 243–245.

P. 64. The last lines are obscure. My father read *Urna *vinaria periit de taberna.* | *Sei eam quis rettulerit* | *dabuntur* | H. S. LXV. *Sei furem* | *qui abduxerit* | *dabitur *duplum* | *a Vario,* noticing a doubt in the words *vinaria* and *duplum,* p. 26. He compares the Elegy of Propertius, 'ergo tam doctae,' and the mock advertisement in Petronius, c. 97, 'Puer in balneo paullo ante aberravit, annorum circa XVI, crispus, mollis, formosus, nomine Giton. Si quis eum reddere aut commonstrare voluerit, accipiet nummos mille.' Cp. the others given in Bruns, p. 140, from a Greek Alexandrian papyrus.

P. 67. The reading *o(ro) v(os) f(aciatis)* has been shown by Zangemeister to be the only correct one, p. 9.

P. 138. The advertisement of an insula or large house containing separate tenements. The only difficulty in it is the *cenacula equestria.* Z. suggests *equil(ia) tria,* Mommsen *et vestibula,* but neither is convincing. Does it perhaps mean lodgings of a better class, lodgings for gentlemen? Cp. the note on no. 1136, *nongentum.*

P. 222. We have here two election placards of different years. Note that we have always *dignum rei publicae,* not the ablative when the formula is written fully. Is it an imitation of the use of ἄξιος? Similarly *cum* is frequently followed by the accusative, as *cum discentes suos* with his pupils, *cum sodales,* etc. The obscure formula *v. a. s. p. p.* occurs frequently, especially in recommendations of candidates for the aedileship. The only word in it written out at all at length is the last, which appears as *proc.* no doubt = *proc(urandis),* and the whole has been interpreted by Avellini (following Cic. de Leg. iii. 3), as *urbi, annonae, solemnibus publice procurandis,* and by Henzen not dissimilarly, *viis, annonae, sacris publicis procurandis.* Zangemeister follows Mommsen's remark, Inscr. Neap. p. 461, and on Henzen, 6968, that since this note is only found in inscriptions relating to Augustales, it is right to adhere to what we know, and reads *v(otis) A(ugustalibus), s(acris) p(ublicis) p(rocurandis).* On the *Augustales,* who were a body in the municipalities between the senate and the plebs, something like the equites in the capital, see Marquardt, new ed. iv. p. 514 f. They seem to have been devoted to the worship of Augustus, but exact information about them is difficult, as they are once only mentioned in Roman literature (Petron. c. 30), though very frequently in inscriptions. Tacitus mentions the *Sodales Augustales* instituted at Rome by Tiberius, Ann. i. 54, iii. 65. *dealbatore Onesimo;* so 1190, 'de·albante Victore.'

P. 768. *defensorem Coloniae;* see on *tessera Fundana,* C. 532. *Suedius Clemens* is mentioned in an inscription on the base of a statue, I. N. 2314, 'ex auctoritate Imp. Caesaris Vespasiani Aug. loca publica a privatis possessa T. Suedius Clemens tribunus causis cognitis et mensuris factis rei publicae Pompeianorum restituit.'

He is no doubt the same person that is mentioned by Tacitus (Hist. i. 87, ii. 12), a *primipilaris* sent by Otho, with two others, to head his expedition to Narbonese Gaul. *Consensu ordinis*, i.e. decurionum, the municipal senate. *Dissignator* is here a stage-manager. The meaning of the word is one who arranges a show; and hence it is applied to an undertaker, as ordering the funebris pompa.

P. 807. The last line should probably be HIT . COMM oda(.). Cp. a similar advertisement (which I have seen at Bologna, in the University), IN . PRAEDIS | C . LEGIANNI . VERI | BALINEVM MORE VRBICO LAVAT | OMNIA COMMODA PRAESTANTVR. It is also given in Orell. 4328.

P. 1136. Cp. the advertisement just quoted. *Balneum Venerium*; so there was a *Balneum Dianae* in the fourteenth Region at Rome.

Nongentum is very obscure. Z. suggests *ñ. centum* was intended, but this is overbold. Mommsen makes it a gen. pl., as if referring to a class of men, thinking of Plin. xxxiii. 2. § 31, where *nongenti* (and gen. pl. *nongentum*) appears as a common name for the indices selecti; and he says that there is said to have been a *balneum iudicum* at Carthage. Cp. the phrase *cenacula equestria* in no. 138.

The formula of the last line is a puzzle. The following, amongst other unsatisfactory solutions, have been suggested: *si quis domi* (or *damnatum*) *lenocinium exerceat ne conducito; si quem deceat locatio eorum nos convenito.* Fiorelli's is more plausible: *si quinquennium decurrerit locatio est nudo consensu*, comparing Ulp. in Dig. xix. 2, 14; but Ulpian's words refer to first letting, as well as second letting or reletting.

P. 1173. Interesting for the dropping of the final *t*, except (as in French pronunciation) before a vowel: *noscit = non scit, ne scit; vota(t) = vetat.* The first line occurs again 3199, *cuscus amat valeat, pereat qui noscit amare.*

P. 1177, 1182, 1186. *Edicta munerum edendorum.* Pp. 244, 245.

It may be worth while to give a summary of the chief points observable in these programmes of gladiatorial games or munera. Sometimes they begin with giving the occasion of the show—for the health of the emperor, or the dedication of baths or an altar. Then they name the owner of the *familia*, the number of the pairs (the highest thirty), the place and date. Besides gladiators, the following attractions are sometimes promised: *venatio* (fight with wild beasts), *sparsiones* (scent-fountains), *athletae*, *vela* (awnings), *mala* (scaffolds ?), and *matutini* ?, of doubtful import. In addition, we find acclamations of the following kind: *Maio quinqu(ennali) feliciter; omnibus Neron(ensibus) muneribus feliciter; totius orbis desiderium.* The formulae *sine ulla dilatione* and *qua dies patientur* are sometimes introduced.

P. 1177. POLY, perhaps the beginning of the writer's name.

thermarum is a probable restitution; Preller, however, thinks *balnea*]*rum* more likely.

Sparsiones (sometimes written *spassiones*), probably a scattering of scent or perfumes, such as Seneca describes as rising from the centre of a theatre to its top (Q. N. ii. 9). A *sparsio* of another kind, a scramble for presents, is described by Statius, Sylv. i. 6. See note on Carmen Arvale, p. 391.

Vela. Cp. Lucr. iv. 73, and Prop. iii. 18, 13 referring to the games of Marcellus:

these were often beautiful in colour, and a great desideratum in hot weather. One of Caligula's jests was to draw back the awnings in a blazing sun, and forbid anyone to go out (Suet. Calig. 26).

P. 1182. This inscription is pretty well explained in the text. The gladiators seem almost all to belong to a corps of *Iul(iani)*, this being the most probable explanation of the note IVL., since we have a similar term *Neronianus*, 1421, in full, and elsewhere N. or NER. V stands for *v(icit)*, and M for *m(issus)*, or 'let off.' *Missio*, in earlier times, was in the hands of the editor muneris, who decided when a conquered gladiator should be spared. Appeal was in imperial times made to the people, who decided for death 'verso pollice,' moving the thumb upwards and inwards towards the throat (Iuv. iii. 36, Prudent. adv. Symm. ii. 1098), and for release it would seem by waving a handkerchief. Cp. Martial, xii. 29, 7,

'Nuper cum Myrino peteretur *missio* laeso,
Subduxit mappas quattuor Hermogenes.'

⊙ added to *m(issus)*, means that, though spared, he died of his wounds. See on no. 1891, p. 497. P. is sometimes found, no doubt = *p(eriit)*, a euphemism for 'was put to death,' no. 2387. For further references see Marquardt, iv. p. 565.

P. 1186. *mala* would seem to be supports for the 'vela,' or perhaps some kind of scaffolding or stage for exhibition.

Graphio inscripta. Pp. 245–249.

These inscriptions, scratched with the point of a stilus upon the plaster, are the *graffiti* proper. They are found everywhere, and are of the most miscellaneous character; often very gross, and never very important, but curious records of common life.

P. 1291. *fridam*, vulgar contraction for *frigidam*, sc. *aquam*, in apposition with *pusillum*. Cp. *adde calicem Setinum* and the appositions in no. 1507 *pesu(m) trama(m)*, etc. Cp. the regular German idiom, 'Ein Glas Wein,' 'ein Stück Brod,' etc.

P. 1293. This seems to refer to the events described by Tacitus (Ann. xiv. 17), A.D. 59; how there was a riot between the men of Nuceria and Pompeii at a gladiatorial spectacle given at the latter place, and the latter worsted the Nucerians, and killed many of them. The senate in consequence forbade such gatherings at Pompeii for ten years, and dissolved the illegal clubs. We have other inscriptions which may relate to the same time, 2183, *Puteolanis feliciter, omnibus Nucherinis felicia, et uncu(m) Pompeianis, Pet(h)ecusanis*, and 1329, *Nucerinis infelicia*. We may perhaps gather that the Campanians, Nucerians, and men of Puteoli were on one side, and the Pompeians and Pithecusans on the other.

P. 1507. *trama(m) pe(n)su(m)*, 'a hank of woof,' *trama* being used popularly for the woof or *subtemen* (not, as originally, for the warp, when opened by the licia). Notice the form *pesu*, from whence the French *pois*, wrongly written *poids*. On the apposition see above. The forms PII, PIIS, may either be short for *pesu*, or = *p(esa)* II, *p(esa)* II *semis*; probably the latter.

P. 1520. *Candida me docuit*, a travesty of the line of Propertius, i. 1. 5 (Cynthia), 'Donec me docuit castas odisse puellas,' joined to one of Ovid, Amor. iii. 11, 35.

Venus Fisica is found I. N. 2253, 'Imperio Veneris Fisicae Pom(peianae).' Preller identifies the name with *Venus Felix*, the goddess of female productiveness. Pompeii was specially under the patronage of Venus, and had the name 'Colonia Veneria Cornelia.' Cp. Martial, iv. 44, 'Haec Veneris sedes, Lacedaemone gratior illi,' an epigram on the destruction of Pompeii and Herculaneum (Röm. Myth. p. 394). So we have a programme P. 26, 'N(umerium) Barcha(m) II v(irum) v. b. o. v. f. Ita vobeis *Venus Pomp(eiana)* Sacra [sancta propitia sit].'

P. 1527. *est* is read in the Roman MS., and in the first hand of the Palatine in Verg. Ecl. ii. 56.

P. 1545. *O vobis Nero Popp(a)ea* seems to be the right reading, but the letters are, probably purposely, ambiguous, as they are in others referring to such dangerous subjects, e.g. 1813, where the words 'Colonia' and 'Vae tibi Nero' may perhaps be read.

P. 1595. *Sepumius* seems closely allied to the Pompeian name *Sepunius*, P. 1460; I. N. 2197, 2227 = Wilmanns, 1914, 1915.

lances pares can only mean, 'may'st thou always hold the scales even,' like Vergil's 'duas aequato examine lances Sustinet,' Aen. xii. 725. Does he mean, '*as* even as I have drawn the two sides of my snake'?

P. 1712. *nerviaria* = corrigia ?, i. e. shoe-laces.

P. 1852. A jocose epistle from a slave, in the high flown style.

P. 1860. This is the only inscription which I could find in my father's inedited notes that had not been already deciphered by Dr. Zangemeister, a proof, if one was wanted, of the skill and patience of the latter. For the thought cp., amongst others, Ov. Ars Am. i. 469 foll., the passage beginning

'Si non accipiet scriptum, illectumque remittet,
Lecturam spera propositumque tene.'

P. 1864. My father read *Samius Cornelio ius pendre* (*perendie* ?). For *suspendere* = 'hang yourself,' Jahn quotes Seneca, de Ira, iii. 23, 2: Philip asked an Athenian embassy how he could please their countrymen, 'excepit Demochares et *te*, inquit, *suspendere*.' It is also pretty common in Plautus.

P. 1877. Notice *mi similat* = *mihi similis est*.

P. 1880. *L. Istacidi*, sc. sententia. *at* = *ad* = *apud*; Gell. xix. 7, 2, 'cum *ad eum* cenassemus.'

P. 1891. *Littera*, sc. nigrum Θ, the mark of death; found in these inscriptions attached to lists of gladiators, slaves, etc. See also C. i. 1033, 1042, Wilmanns, 158, 475, 1549, 1701, 2412, 2614, etc. In several of these cases it appears on gravestones, e.g. 'Θ D(is) M(anibus) Telesphoro etc.,' or as an adjective = 'the late,' 'Memoriae Θ M. Aureli Melliti,' etc. The following epitaph of a gladiator is curious and worth quoting (C. V. 3466, Wilmanns, 2614): 'D. M. Glauco n(atione) Mutinensis. pugnar(um) VII, Θ VIII (i. e. mortuus octava), vixit ann(os) XXIII d(ies) V. Aurelia marito b(ene) m(erenti) et amatores huius. Planetam suum procurare vos, moneo; in Nemese ne fidem habeatis; sic sum deceptus. Ave. Vale.' It has been usual to consider this Θ as a cipher for *θάνατος*, and to conclude from Pers. iv. 13, and Martial, vii. 37, that it was used by judges to mark a tablet voting for the execution of a criminal. This seems very probable,

but Mommsen conjectures that it is properly an O = *obiit, obitus*. The sense here is of course, 'the unlucky letter is made lucky by being the initial under which we wish the health of such a man as *Theorianes*.' Are we to understand a reference to a drinking custom, like that several times noticed by Martial, e.g. i. 71, 'Laevia sex cyathis, septem Iustina bibatur,' etc. (according to the number of letters in the name)? or is it simply the first letter written down?

P. 1894. *dantes* and *pulset* are read in Propertius.

P. 1895. The MSS. of Ovid have 'quid magis est saxo durum, quid mollius unda.'

P. 1896. My father read *quoi*. Z. apparently understands the remains of the ham to be put on table next day; so that we have here the complaint of a guest. Cp. Plautus, Persa, i. 3, 25, 'calefieri iussi relliquias. Pernam quidem ius est apponi frigidam postridie.'

P. 1926. *pilicrepus*, a player at trigon. Cp. Seneca, Ep. 56, 'ecce varius clamor me circumsonat; supra ipsum balneum habito . . . . si vero *pilicrepus* supervenit et numerare coepit pilas actum est.' The word no doubt is derived from the sound made by the balls rebounding from the floor or wall; so Statius speaks of the *crepantes pilae* in a room over a hypocaust, Silvae, i. 5, 57. The word also occurs twice in the elegant iambic inscription *Ursus Togatus*, etc. (Orell. 2591; see Mommsen in Eph. Epigr. i. p. 55). The other most interesting notices are Martial, iii. 71, xii. 84, and Petronius, 27; and we have an advertisement of a game below, no. 1936. It is difficult, however, to form an accurate idea of the mode of playing, and these references may probably be to different kinds of the same game. It would seem on the whole to have been a sort of fives with no wall. Marquardt says it is called in Greek ἀπόρραξις, and in Latin *expulsim* ludere, opposed to *datatim* and *raptim* (v. 2. 423).

P. 1927. Cp. St. John ix. 24, καὶ σὺ διδάσκεις ἡμᾶς;

P. 1928. My father read *ah!* which is not now to be seen, and is perhaps doubtful in itself. Z. suggests *ad* = *at*. *Dispeream* may be possible.

P. 1936. See on 1926. Correct CVM (i. e. cum) HEDYSTO, which is printed wrongly in the text. *Petat* is a puzzling word, can it mean 'call time'? *numeret* is of course 'act as marker.'

P. 1943. My father conjectured that this should be read *non est exsilium ex patria s*[*apientibus*]; but the text now seems certain. *Ex albo* = 'on the roll.'

P. 1951. These are perhaps rhymed trochaics. My father compares Suetonius, 'Ego nolo Caesar esse | ambulare per pruinas,' etc.

P. 2005 *a*. Cp. Petron. 58, where a slave has been too free, 'etiam tu rides, caepa cirrata? Io Saturnalia, rogo, mensis December est? quando vicesimam numerasti?'

P. 2013. *Nicerate*, 'vain little pig, who art in love with Felicio, and takest him down to the gate; just remember that ——.' *illuc* = *illud*, or rather, *illud-ce*, like *hoc* for *hod-ce*.

P. 2258 *a*. A pathetic little bit, made more so by the grossness of the surrounding graffiti. *Condisces* = *condiscens*, Introd. iii. § 19; *discens* is often used as a substantive for pupil, apprentice. So in the Old Latin Bible and Tertullian = *discipulus*, μαθητής, Rönsch, p. 107. Observe *dolet* impersonal,

found also in Plautus, Terence, and Cicero, and in the well-known 'Paete, non *dolet*.'

P. 2361. This and similar quotations, in classical authors and inscriptions, are testimony that the Aeneid was supposed to begin with *Arma virumque*, not *Ille ego qui quondam*, though the latter is found in some inferior MSS., and known to Donatus and Servius. So 1282, 3198 have *Arma viru*. So we have *Arma virumque cano Troiae qui* | *primus ab oris Italiam fato profugus* | *Lavinaque* on a tile at Italica, C. ii. 4967, 31. The two first words of Lucretius' poem are found in this collection, no. 3072, *Aeneadum genetrix*; and no. 3139 has *Aeneadum* alone (not *Aenedum*, as printed by mistake).

P. 2387. See on no. 1182, and the epitaph quoted under no. 1891.

Tituli vasis fictilibus inscripti. Ed. Ric. Schoene, pp. 249, 250.

These seem to require little illustration beyond what they have received in the text.

P. 2551. If this is correct we must read *bis f(usum)*. Does *bis* = 'iterum,' as in Martial's '*bis* Frontino consule,' x. 48, 20? Schoene suggests *diff(usum)*. Cp. Hor. iii. Od. 8, 9, foll.

P. 2565. Schoene reads *Gran(ianum)*, comparing no. 2556, 'Surrentinum *Fabianum*.' We may also read *Gran(iana) of(ficina)*. In either case the maker's or importer's name seems to have been *Granius*. Cato gives various receipts for making Greek wine at home, R. R. 112: cp. Pliny, H. N. xiv. 79.

P. 2569. *Garum castimoniarum* or *castimoniale*. Pliny, H. N. xxxi. 44, says, 'aliud vero (sc. garum) *castimoniarum* superstitioni etiam sacrisque Iudaeis dicatum, quod fit e piscibus squama carentibus.' It is not quite clear how this is to be construed with the precept in Leviticus xi. 10, forbidding the use of fishes without fins and scales. Perhaps the reference to Jewish usage was simply a misconception on Pliny's part, not unlike the fable of the ass's head in the Temple of Jerusalem.

P. 2583. The term *ussus* or *usus* is illustrated by passages in the Digest, xxxiii. 9, 4, 2, and Gellius, iv. 1, 23, compared by Mommsen, which show that a wine-grower often separated his private stock from his saleable stock.

P. 2597. *Lomentum* is bean-meal, Pliny, H. N. xviii. 117. It was used as a cosmetic. CNPS is very puzzling. Can it be for *C. Nepos?*

NOTES ON PART III.

Selections from Authors.

EX SCRIPTORIBUS ANTIQUIS DELECTA.

Sectio Prima.

MONUMENTA ANTIQUA.

Cap. I.—EXCERPTA EX LEGIBUS QUAE FERUNTUR REGIIS.

On *Early Roman Law* in general see a book by Mr. E. C. Clark, London, Macmillan, 1872, and many of the authors cited at the beginning of the next chapter.

All these fragments come, probably, from the so-called *ius civile Papirianum,* said by Pomponius, Dig. ii. 2, to have been edited by a Papirius under the last king. The date of this collection and its character is, of course, very uncertain. The only thing certain is that it contained early customary law ascribed to various kings.

1. *estod,* the only instance of this full imperative termination in Latin, see Introd. xiv. § 7. On the form *sacra,* or *sacer esto,* see on XII Tab. viii. 21.

2. *Vino,* a sumptuary law with regard to funerals, of which many were incorporated into the XII Tables, see Tab. x.

3. *Pellex,* or *paelex,* a concubine of a married man.

4 *a. fulmen Iovis* is Scaliger's emendation for *fulminibus. Ne supra genua tollito.* There seems no reason to change this to *tollitor,* as it is in the style of these old laws to omit distinctive nominatives, e. g. the finder here, see Introd. to XII Tab. iv. § 1. *Tollito* might, of course, stand for *tollitor* in old Latin, Introd. xiv. § 15. The point seems to be that he is to be left as near the ground as possible, and buried directly on the spot ; *supra genua* probably means on the knees of the man who finds him, the subject of *tollito,* who would naturally lift up a corpse to bury it. Pliny says, 'hominem ita exanimatum cremare fas non est, condi terra religio tradidit,' H. N. ii. 54. The place had to be expiated with a sacrifice, and became, probably, a bidental—

> 'An quia non fibris ovium Ergennaque iubente
> Triste iaces lucis evitandumque bidental.' Pers. ii. 27.

The inscription FVL[gur] CON[ditum] (publice) refers to the burial vault open to the sky (hence puteal), erected on a place struck by lightning. Mommsen, I. R. N. 1313, Orell. 2482. See Marq. iv. p. 249.

5. This law, which is very corrupt in its arrangement in Festus, has been emended by Hertzberg in Schneidewin's Philologus, i. 331–9. *Cui suo* is his conjecture for *cuius*, and *dari ae[ris]* for *darier*. There is, however no need for this latter change, as all early value was expressed in pounds of copper, and therefore *aeris* need not to be expressed, see on XII Tab. fr. inc. 9. *Spolia opima* are those of a general in command taken by the Roman imperator, *suo auspicio*; *spolia secunda* would, perhaps, be those taken similarly by a general under another's auspices: *spolia tertia* would be, again, inferior, but how is uncertain.

classe procincta, 'the army being prepared for battle,' cp. testamentum in procinctu. 'The well-known expression *procinctus* would appear from Servius' explanation to mean that the sort of plaid which formed the ordinary Italian dress, instead of falling in a loose fold over the breast, was thrown over the back, then brought tightly round the front of the body and tied so as to form a girdle,' Clark, Early R. Law, § 24, Serv. Aen. vii. 612. This was otherwise called the Gabine cincture. Cp. Fest. p. 225 (and 249), '*Procincta classis* dicebatur, quum exercitus cinctus erat Gabino cinctu confestim pugnaturus. Vetustius enim fuit multitudinem hominum quam navium classem nominare.' *Classis* is derived by Corssen from the root *cal-* (in *cal-are*, etc.), with a suffix *t*, as in Greek κλη-τεύω, cp. *messis* from *metere* (i. pp. 496 f.). *Iovi Feretrio*, Liv. i. 10, iv. 19, xx. 55.

Solitaurilia, see Fest. p. 293, offerings said to be of a bull, ram, and boar, 'solidi integrique corporis.' For the derivation cp. Oscan and Latin sollus, sollistimum tripudium, Gk. ὅλος, etc.

utra voluerit, 'maiora an lactentia,' Scaliger. *Ianui*, in the *u* declension.

6. *pollucerent.* See on C. 1175, titulus Soranus, p. 490.

8. *paricidas esto.* On the termination see Introd. viii. § 2. *Parricida* has been variously derived from *parens*, *pater*, *par* and *caedo*: the first explanation, which makes it =*parenticida*, seems best to suit the usage of the word, and is supported by Plautus' comic *perenticida* from *pera* (so Clark, l. c. p. 42 f.). *Patricida* seems simplest, and is perhaps after all right, though such an assimilation of *t* is unexampled: but we have other anomalous assimilations in Latin, e. g. *pressi*. *Paricida*, from *par*, does not account for the later doubling of the *r*, and this use of *par* is not usual in Latin. Supposing either the first or second derivation to be right, the law is important, as extending the punishment for murder within the family to murder within the state, cp. the tribunician lex sacrata, 'si quis eum qui eo plebei scito sacer sit occiderit parricida ne sit,' Fest. p. 318. We can hardly suppose, however, that the technical punishment for literal parricide, the 'insutio in culeum,' was extended to ordinary murder. It was indeed perhaps of later introduction. The appointment and power of the *quaestores parricidii* is one of the most difficult questions of Roman antiquity, and cannot be here investigated; see, however, Clark, l. c. § 17. It would be convenient if we could identify this larger sense of *parricidium* with *perduellio*, and the *quaestores parricidii* with *duumviri perduellionis*, but there seems to be no authority for so doing.

9. *agnatis eius in contione. Agnatis* is Huschke's emendation for *et natis* (through *ac natis*), and *contione* Scaliger's for *cautione.* See Clark, § 8. Accepting these emendations, we must suppose that the law distinguished between voluntary and involuntary homicide, making the former a state offence, and allowing the other to be dealt with as a family matter, and to be condoned by those interested. Cp. the XII Tab. viii. 24. A *contio* we know could be called by a *priest* as well as by a magistrate. Fest. Ep. s. v. p. 38, 'a magistratu vel a sacerdote publico per praeconem convocatur.' See on S. C. Bac. 22, pp. 419, 420. The ram was probably employed as a vicarious sacrifice.

10. *aliuta.* On the form see Introd. xiii. § 42.

11. *perduellio* seems to mean war on the part of an enemy. Dionysius, ii. 10, renders it by *προδοσία*. *Perduellis,* as applied to a citizen, would mean a treasonable person, an enemy of his country. The derivation is from *per*, as in *per-iurus, per-fidus* (cp. certain senses of Gk. *παρὰ*, Germ. *ver*), and *duellum* = bellum. Why Horatius, who had committed an evident *parricide,* should be charged with this offence is extremely obscure. Mr. Clark says, 'I can see no reason . . . but the prevalent tradition that the accused of treason had the right of appeal, which is made available for the hero's escape' (p. 73), and he interprets in this connection Livy's rather obscure words 'clemente legis interprete.'

infelici arbori is perhaps the ablative (Introd. x. § 16), 'from a barren tree,' i. e. not a fruit-bearing one, cp. XII Tab. viii. 10. It may, however, be either dative or locative.

obnubito . . . suspendito . . . verberato refer of course to the executioner, the subject being omitted, as usual in these laws, when not absolutely necessary.

pomerium, from *post* and *murus.* The original form of the adverb is *postid,* this is shortened to *poste, post, pos,* and finally *po*, cp. *postempus,* C. 1454, '*pos* multum temporis,' O. Henzen, 7087, *po-meridiem, pomeridianus,* Quintil. ix. 4, 39. See Corssen, i. 183 f.

The *pomerium* is the vacant space left on each side of the city wall. The religious idea is the same as that which ordered a private dwelling to be left with an ambitus. See XII Tab. vii. 1.

12. *verberit* is probably from a verb of third or fourth conj., cp. *vindicit*; see Introd. to XII Tab. § iv. p. 511.

divis is the reading of Festus : *diris* has been unnecessarily conjectured.

Cap. II.—LEGIS XII TABULARUM QUAE EXTANT.

The following authorities may be consulted with great advantage :—

Livy, iii. 9–57. Dionys. Hal. x. 1–60.

Pomponius in the Digest, 1. 2, 2 ; 3. 4, 24.

Sir H. Maine, Ancient Law.

Mommsen, Roman History, bk. ii. ch. 2. (E. T. i. pp. 289–291).

Rudorff, Röm. Rechts Gesch. § 94, vol. i. p. 285 foll.

Puchta, Institutionen, vol. i. §§ 54, 55, 73.

Lange, Röm. Alt. § 73, vol. i. p. 535 foll.

De Coulanges, La Cité Antique, pt. iv. ch. 8. pp. 370 foll. (A brilliant, but not thoroughly trustworthy, sketch.)

Poste's Gaius, passim.

The best edition for some time was that of H. E. Dirksen, Leipzig, 1824. This has now been superseded by the careful critical edition of R. Schoell, Leipz. 1866, which has excellent prolegomena and a full collection of authorities, but no commentary. The fragments may also be found in many other books, e. g. in Donaldson's Varronianus, and in the legal handbooks of Cumin, Bruns, and Giraud, but in none of these is there much in the way of illustration. The present is probably the longest direct commentary upon the law.

§ 1. *Origin and Importance of the Law of the XII Tables.*

Ancient law among the Romans, as among other Aryan nations, was a matter rather of religious custom than an expression of the conscience of the people reflecting on matters of abstract right or wrong. The latter is, indeed, in its fulness an essentially modern conception, and, in reality, is the pervading element of no historical code of laws. Nevertheless such reflection is eminently necessary to the progress of a nation; and without its introduction, in some form or other, into customary law, a stationary, or even retrograde, condition must result. There is another factor also of almost equal importance, in the scale of progress, the act of codification, that is, the reduction of unwritten law or custom to written formulas. This is, like the other, no doubt a distinctive mark of a rise in civilisation, and is one to which comparatively few races have attained. The time at which it appears is also of very great moment. If imposed upon a nation late in its history, when custom has become second nature, it may serve only to rivet more tightly the fetters which enchain it. The earlier (relatively) the act of codification takes place, the greater the probability of a nation's advancement in intelligence, and in influence in the world. Yet in a country where progress of ideas is too rapid, and respect for religious customs is too slight, early codification may not bring about stability of constitution, or respect for law. In the Eastern nations, especially among the Hindus, as Sir H. Maine has pointed out in his first chapter, the act of codification has taken place relatively at a *late* date in the history of the people. The code has been imposed from above by a religious aristocracy possessing a monopoly of legal knowledge. In it prohibitions and ordinances originally enacted for good reasons, sanitary or otherwise, have been transferred by false analogy to matters where they have no such function. Certain articles of food, for instance, have been prohibited merely because they were like certain other food; necessary ablutions have become the foundations of endless unnecessary ceremonies; and what was once a useful division of society in its early development, has been stereotyped and formalised into caste.

This is to some extent an explanation of the stationary, unprogressive character of Hindu society, comprehended more easily when we reflect on the nature of the soil and climate, and the large masses of population which are naturally grouped together in India. Just the contrary course seems to have been taken by the Greek communities, the smallness and isolation of which is as marked as the

extent of those of their Asiatic kinsmen. Among them precedent and custom, for various reasons, never obtained a firm hold upon the national mind. Codification took place early, and in several states almost simultaneously; so that, by comparison with one another, abstract principles began soon to be publicly mooted, while respect for law as law was not developed. Thus arose among the Greeks the pernicious habit, at least at Athens, of trying every case upon its merits, and the constant appeals to ideal first principles, rather than to the text of the law. If a law is cited it is not enough, but it must be proved to be the best possible law ; if Solon is appealed to, it is as an *ἀνὴρ δημοτικὸς*, or as an ethical theorist.

Rome, on the other hand, though intellectually at an early stage at the time of the publishing of her great code—the Law of the XII Tables—had passed previously through a very important period of history. Less confined in area than the Greek states, less subject to excitement by the contact of other civilisations, standing more alone in respect of language, the great Latin city had nurtured a spirit of proud reverence for tradition, and a love of constitutional forms. A single state rising to eminence and solid power among a number of half-organised communities, constantly on the defensive, and always on the look out to draw into itself other elements of strength, and apparently at all times under the direction of vigorous-minded men, is the natural home for that mixed product which we call *law*, as distinguished from custom or philosophical principles. For, without being either, it is a mixture of both; on the one hand it is closely allied to custom in appealing to the feelings of reverence for religious sanctity, and claiming a right to be heard irrespective of abstract truth, while it is distinguished from custom by speaking clearly in a human voice, as a *litera scripta*, not a religious chant. To philosophy, on the other hand, it has this relation, that while making no claims to be founded on absolute principles of right and wrong, it constantly endeavours to infuse such principles into custom, not consciously I suppose at first at Rome, but as a valuable ingredient of custom, borrowed in great measure (like its population) from the surrounding tribes.

The Law of the XII Tables, then, is important, not only as the first Roman code, but as coming into Roman society when it did, neither too early nor too late; as coming, not as an intellectual effort, or as imposed from above, but as demanded by the good sense of the people working, and used to work, in constitutional forms.

Let us now look at the circumstances of this act of legislation. It took place in the years of the city 303, 304, B. C. 451, 450, about forty years, that is, after the establishment of the tribunate, and about sixty after the expulsion of the kings. The tribunate was already increased from two to five members, perhaps by the Publilian plebiscite, V. C. 283, the more important and certain enactment of which was the transfer of their election from the comitia curiata to that of the tribes, over which the tribunes presided. Thus the conflict between the orders had already advanced some way, and the plebs, since the secession to the sacred mount, had learnt to act as part of the state in an orderly manner, and under its own leaders. But the tribunician power was frequently abused, and had become a source of much confusion. The failure, again, of Sp. Cassius to carry into effect

his agrarian law, and to put a stop to the selfish occupation by the rich alone of the ager publicus, was, on the other hand, a matter of heart-burning and vexation to the plebs (Mommsen, R. H. i. p. 289). Then it was that the tribune Gaius Terentilius Arsa began his agitation for the concession of equality of rights, by proposing a commission of five to prepare a code by which the consuls should be bound in judging patrician and plebeian alike (Liv. iii. 9). In v. c. 293 it was taken up by the whole college of tribunes, and brought on year after year, and as pertinaciously impeded by the patricians. In 297 the tribunes were increased from five to ten; and in the following year, by the Lex Iulia de Aventino publicando, a small agrarian concession was made to the plebs, giving them hereditable lots of ground upon the Aventine, till then uninhabited. Another more important concession was made in the year 300, by the Lex Aternia Tarpeia, on the subject of fines. This extended the power of *multae dictio* possessed by the consuls to all magistrates, and established a maximum (*suprema multa*) of two sheep and thirty oxen, allowing, it would seem, appeal against any fine of a higher sum (see on Lex Bantina, l. 11, p. 423). In the same year a compromise was effected in regard to the Terentilian law. It was determined to prepare a code, and an embassy was sent as a preliminary to Greece to bring back copies of the laws of Solon, and to learn the customs and rights of other Greek states (Liv. iii. 31). This mixture of Greek elements in the code is asserted by all the ancient authorities, and is further supported by the mention of the interpreter, Hermodorus of Ephesus, who either accompanied the embassy, or assisted in the redaction of the materials, and had the honour of a statue in the comitium (Plin. N. H. xxxiv. 5: cp. Pompon. in Dig. i. 2, 4, who says he is reported to have suggested the last two tables. See also Strabo, xiv. 1, p. 177, *δοκεῖ δ' οὗτος ὁ ἀνὴρ νόμους τινας Ῥωμαίοις συγγράψαι*, with the sentiment of Heraclitus upon him). Again, Cicero (De Leg. ii. 23, 59) tells us that certain of the enactments with regard to funeral lamentations, in the Xth Table, were taken from Solon almost word for word, and Gaius thinks that the law about Collegia must have been drawn from the same source (Dig. xlvii. 22, 4). It is probable also that the neighbouring Italian states were put under contribution, when we remember the strong tradition which connects many ceremonial observances with Etruria. The 'iura fetialia' and certain other supplements are said by Servius to have been taken from the Falisci, though he seems to give too great weight to the tradition that the body of the laws came from Athens: 'missis x viris, ab ipsis (Faliscis) iura fetialia et nonnulla supplementa duodecim Tabularum accepit, quas habuerant ab Atheniensibus' (Serv. ad Aen. vii. 695: cp. Plin. Ep. viii. 24).

There can be little doubt, then, that the view of Dionysius is correct, that the decemvirs compiled their code 'both from Greek laws and from the unwritten customs in use among the Romans themselves,' and that it was very different from, and superior to, the Greek codes (x. 57, xi. 44. Cp. Puchta, i. p. 164). What elements were Roman and what foreign can only be partially discriminated at present; but internal evidence is in favour of the statement put forward by ancient authorities. On the return of this embassy, then, in v. c. 303, the decemvirs were elected ('consulari imperio legibus scribundis'), and the tribunate and the

other magistracies were suspended. Though Livy asserts that they were *omnes ex patribus*, this is scarcely likely to have been accepted by the tribunes (cp. iii. 31, 32), who had demanded a joint magistracy; and in the case of the second decemvirate some of the gentile names are plebeian. The first ten Tables were prepared and accepted by the people, being exposed on plates (of brass [Diodorus], wood, or ivory [Pomponius]) before the rostra in the forum. But, as they appeared incomplete, it was determined to renew the office in the next year, and two more Tables were the result (304).

Whether the intention of this compromise was, as Mommsen has suggested, an abolition of the tribunician power, and a return to the government by consuls, fettered only by the certainty of legal administration thus secured to the plebs, is not now our purpose to enquire. At any rate, if such an idea was entertained and had any real chance of being carried out, it was rendered impossible by the arbitrary conduct of the second body of decemvirs, who refused to lay down their magistracy as the first had done, a proceeding which culminated in the attempts of Appius at despotism. This produced the popular reaction centring round the outrage on Virginia, and leading, whether as cause or occasion, to the restoration of the tribunate, and to the lively continuance of the struggle between the two orders. The event of that struggle was now no longer doubtful. Though full equality of rights such as Terentilius had demanded was not conceded by the XII Tables, yet certainty of administration was, and this great outwork being gained, it needed only time to force, point by point, the other strongholds of the oligarchy.

§ 2. *Comparison of the Law with the earlier system.*

The following are the main points of comparison between the Law of the XII Tables and the older law. (See Lange, R. A. §§ 72, 73, Puchta, i. pp. 165, 166, and De Coulanges, pp. 373 foll., who is, however, not sufficiently critical.)

The points in which it maintained the position of the old law are the following.

It preserved the *patria potestas*, allowing the father to sell his son three times, though not more. Whether it still gave him the power of life and death, as the law of Romulus did, is doubted by Schoell (Proleg. p. 52), though it is generally concluded from Dionysius and from the formula of arrogation that it did so (A. R. ii. 26, 27: cp. iv. 2; and see p. 287). In matters of succession the rights of the *agnati*, that is, of relations through males, are preserved. In default of agnates, the inheritance passes to the *gentiles*. The law allows no succession of *cognati*, that is, of blood relations generally, including relations through females.

The ideas of *emancipation* and *adoption* naturally remain much the same. The emancipated son has no longer any part in the sacra or succession of his own kindred, but passes entirely into his adopted family.

Similarly, the marriage between patricians and plebeians was forbidden in the additional Tables (Cic. de Rep. ii. 36, 37, etc.) This was probably no new enactment, but, as we shall see, the definition by statute of a custom which no one before had thought of infringing. The XII Tables made marriage in general much more easy, and it was therefore natural to guard against extending it farther than the decemvirs intended.

Lastly, the old law of debt, with its harsh penalties, appears to have been unaltered, though perhaps the interests of the incarcerated debtor were to some extent provided for, and the amount of punishment partly defined.

On the other hand, there are several important points on which the new law seems to have been an advance upon the old. It is of course very difficult to say in detail how far its enactments were new, how far they were merely a codification of existing rules, or, as we should say, 'declaratory of the common law.'

The *actio familiae erciscundae*, and the emancipation of a son after the third sale, cannot with certainty be spoken of as novelties. If the right of primogeniture and the indivisibility of landed property were, as is not improbable, original ideas in Roman law, there is certainly no proof that they existed long enough to be superseded by the decemvirs. There is a similar doubt as to the date of the fiction by which emancipation was effected. But in the important matters of testament and marriage there is more reason to imagine an advance. The law now substituted for the testament made before the *calata comitia* (an assembly, apparently for special purposes, either of the curies or the centuries), that by fictitious sale *per aes et libram*, common both to patrician and plebeian. It further sanctioned a common form of civil marriage, that by *coemptio*, also a pretended purchase, conducted with similar formulae. It may be inferred that the impulse given to this easier mode of marriage, and the disuse of the more ceremonial *confarreatio*, rendered it necessary to define the separation of the orders more clearly. Another mode of acquiring rights over a wife—not strictly a mode of marriage—was that of *usus* or cohabitation for a year. The XII Tables fixed that absence of three nights continuously broke the *usus*, an enactment which was naturally made use of when it became undesirable that a woman should surrender her own family and its rights.

Of special enactments which are expressly mentioned as being novel, the three following, assigned by Dirksen to the VIIIth Table, are noticeable. First, the restriction of interest and the imposition of penalties on usurers, no higher amount being allowed than *unciarium fenus*, the meaning of which will be discussed below. Second, the prohibition of nocturnal meetings, 'ne quis in urbe coetus nocturnos agitaret,' viii. 27, though the genuineness of this fragment is sometimes doubted. See Schoell, Proleg. p. 46 and note ad loc. And, thirdly, the important provision to sanction voluntary associations of *sodales* in making what rules they choose for their own conduct, provided they transgressed no public law (viii. 28). This seems rightly to be understood of all *collegia*, whether sacred or otherwise, and is obviously a principle of great moment (Mommsen, De Collegiis et Sodal. p. 35). This and the sumptuary laws of the Xth Table to restrain funeral expenses are expressly said to have been taken from Solon.

The matters here noticed are chiefly concerned with private law. The enactments on public matters, however important as declarations and confirmations of existing law, were already, as far as we know, part of the constitution. The right of appeal against penalties on person or property was already guaranteed to citizens by several laws. The restriction of judicial competence over citizens to the centuriata comitia (comitiatus maximus) and the prohibition of *privilegia* or bills

against a private individual, were also necessary consequences of the Lex Valeria de provocatione. The principle, *ut quodcumque postremum populus iussisset id ius ratumque esset,* could scarcely be more than the formulation of a primary axiom taken for granted in all legislation.

What is remarkable, however, in a general review of the fragments of these laws is that, with the exception of the prohibition of *conubium*, there is no distinction raised between the orders. What distinctions there are between man and man relate rather to position on the census, to age, or to the difference between freeman and slave. Such are the order that an *adsiduus* must have an *adsiduus* for *vindex*, the different penalties for nocturnal depasturing inflicted on a *pubes* and an *impubes*, and the smaller assessment in payment for an injury to the person of a slave, namely, half that payable in the case of a freeman (Frag. i. 4, viii. 3, 8).

§ 3. *Preservation of the Law among the Romans.*

At the taking of Rome by the Gauls, sixty years after the passing of the law, a great destruction of public documents took place. Livy tells us that after their retirement the XII Tables and other earlier royal laws, as well as some treaties, were sought out and recovered (Liv. vi. 1, 9). But there is no certain tradition that they were set up on *brass* to public view. Notwithstanding abrogations of certain enactments, such as that of the prohibition of conubium removed by the Canuleian law, the alteration of the law of damage (de damno iniuriae) by the Aquilian, the changes in the conduct of public business by the Plaetorian, the position of the law in public estimation remained as high as ever. But of much greater importance than these was the passing of the Lex Aebutia (supposed to have been carried about B.C. 170, see Poste, Gaius, p. 425), which did away in a great measure with the *legis actiones* and substituted for them formulae or written instructions, issued by the praetor to the iudex (Gaius, iv. § 30). The study of the law did not of course cease, but its practical importance in the courts did. For some time after it still remained a general text-book for grammatical instruction. 'Discebamus enim pueri XII ut carmen necessarium,' says Cicero (de Leg. ii. 23, 59), and again, 'a parvis, Quinte, didicimus "*si in ius vocat*" atque alias eiusmodi leges nominare' (de Leg. ii. 4, 9), quoting apparently the opening words of the law. That we are to infer, however, from the words *carmen necessarium* that the law was throughout in metre or put into a metrical verse, perhaps in Saturnians (as Ritschl has suggested), seems to me extremely hazardous (Ritschl. Poes. Saturn. Spicilegium, i. Bonn. 1854, followed by Schoell). My own idea of what is meant by *carmen* is given below, Introd. to Fragments of Prose Authors. See also note on Tab. x. 3. [The reading in Cic. de Orat. i. 57, *in magistri carmine*, is doubtful, and can hardly be explained as it stands.] Cicero complains, however, that what he had learnt in his boyhood was now given up as a school book. The complaint was natural, but the change was no doubt a very sensible one. From this time forward the study of the XII Tables was left to antiquarians and students of the history of law, with only occasional intrusion of it into common life and oratory, when an antiquarian taste prevailed. Horace criticizes the archaic predilection of his own day (Ep. ad August. ii. 1, 23, foll.),—

'Sic fautor veterum ut tabulas peccare vetantes
Quas bis quinque viri sanxerunt, foedera regum
Vel Gabiis vel cum rigidis aequata Sabinis,
Pontificum libros, annosa volumina vatum,
Dictitet Albano Musa in monte locutas.'

And so Seneca (Ep. 114, 13), 'Multi ex alieno seculo petunt verba, XII Tabulas loquuntur: Gracchus illis et Crassus et Curio nimis culti et recentes sunt, ad Appium usque et Coruncanium redeunt.'

Of proper antiquarian writers upon the law we have a considerable list, beginning with Aelius Stilo, the tutor of Cicero, and his fellow pupil, the greatest Roman antiquary, Terentius Varro. Others of note were Ser. Sulpicius Rufus, whose encomium Cicero pronounces in the ninth Philippic, L. Cincius, and Antistius Labeo (quoted by Gellius and Festus) and Verrius Flaccus, whose book on the Roman language was epitomised by Festus, and in its present form is the source of the largest proportion of fragments of the law. Later on, in the time of Hadrian and the Antonines, the eminent jurist Gaius wrote a commentary on the Tables, some extracts from which, as well as from his commentaries on the Edicts, are preserved in the Digest. His Institutes of Civil Law, which is perhaps the most valuable classical work recovered in the present century, contains many important references and illustrations. His object there is of course not so much to elucidate the text of the Tables, as, taking them for the basis of his reasoning, to exhibit the development and method of Roman law in general. Later references to the law are rare, those in the grammarians being taken generally from earlier grammarians, and often carelessly, as Schoell has shown in his preface, particularly in the case of Servius. It appears, however, that a copy of the law on bronze plates was standing in the forum at Carthage in the time of St. Cyprian, in the third century (Ep. ad Donatum, ch. 10), and even in the fifth (Salvian, de Gubernatione Dei, viii. 5, ap. Schoell). At the same time also we hear from Sidonius Apollinaris of a teacher at Narbonne (in Elogio Narbonis, xiii. 446 sq.)

'Sive ad doctiloqui Leonis aedes,
Quo *bis sex tabulas* docente *iuris*
Ultro Claudius Appius taceret
Claro obscurior in decemviratu.'

Later references to MSS. are very doubtful indeed.

§ 4. *Style of the Fragments.*

The actual text of the fragments, as it has come down to us, has been much modernised, so as to be nearer the forms of the Ciceronian age than that of the earliest dated inscriptions—the Scipionic epitaphs. This is no doubt owing in great measure to the popularity of the law as a text-book in later times, and to the fact that it was probably not extant on public tables after the Gallic invasion. Yet some remarks may be made as to the forms which have been preserved by the industry of the grammarians, and as to the style in which the enactments of the law were couched[1].

[1] The following notes are chiefly taken from Schoell, Prolegomena, pp. 72–112.

1. In the first place there is considerable obscurity as to the persons designated, caused by the constant omission of pronouns, and distinctive nominatives, such as we have already seen in the Leges Regiae. Thus in the first fragment there is no distinction at all of the two grammatical subjects, 'Si in ius vocat, ito: ni it, antestamino, igitur em capito. Si calvitur pedemve struit, manum endo iacito.' This is the case generally when the two persons opposed are merely, as it were, M or N, Titius or Seius, and such clauses as those enclosed in brackets in the following, are very probably later interpolations, merely for the sake of clearness. i. 3, '*Si morbus aevitasve vitium escit,* [*qui in ius vocabit*] *iumentum dato,* and iii. 4, '*Si volet, suo vivito. Ni suo vivito* [*qui eum vinctum habebit*] *libras farris endo dies dato.*'

On the other hand, where a special relation or opposition of person or class is in point, the subject *is* expressed: e. g. iv. 2, '*Si pater filium ter venum duit, filius a patre liber esto;*' x. 4, '*mulieres genas ne radunto;*' xii. 3, '*si servus furtum faxit,*' etc.

2. It is to be noticed that orders or prohibitions are always couched in the third person of the imperative. At any rate, the only exception to this rule (except those which modern commentators have foisted in from time to time) is the law against incantation as quoted by Servius, '*Neve alienam segetem pellexeris,*' viii. 8, q. v. This is rendered doubtful by the parallel quotation, '*qui fruges excantassit,*' which is not likely to have occurred to express the same idea a second time, and by the fact that Servius in another instance appears to quote inaccurately (Schoell, pp. 49 and 15). Where the plural is used, it is not merely to express a general enactment, but to apply to two or more persons actually conceived: e.g. i. 6, '*rem ubi pacunt, orato—ante meridiem caussam coiciunto;*' iii. 6, '*tertiis nundinis partis secanto;*' x. 4, '*mulieres genas ne radunto.*'

3. The object is left only less indefinite than the subject of the verb. The pronoun almost always used is *is*, and that only where the object has been previously introduced: e. g. i. 1, '*ni it antestamino, igitur em capito,*' etc.

The uses of *alter*, e.g. viii. 4, '*si iniuriam alteri faxsit,*' '*si membrum alteri rupit,*' etc., are suspected by Schoell, as belonging to a later phraseology. For, he argues, injury is always done to *another*, and this specification is alien from the simple, direct character of the law.

4. The same character of simplicity is borne out by the clauses relating to things as well as persons. Thus we have the direct constructions, without any use of adjectives or abstract substantives, '*sol occasus suprema tempestas esto,*' '*triginta dies iusti sunto,*' '*viginti quinque poenae sunto,*' '*si aqua pluvia nocet,*' '*si membrum rupsit . . . talio esto.*'

5. The mood used in all these enactments is the *imperative*, even where the law only means to permit, not to enforce, a given course of action. This is most clearly seen in the clause directing how a defendant is to be brought *in ius*: i. 3, '*Si nolet, arceram ne sternito,*' 'If the plaintiff does not choose, he *need not* prepare a covered car (for the defendant).' Cp. iii. 4, '*Si volet, plus dato,*' 'If he choose he *may* give him more.'

6. The *subjunctive* mood in fact is apparently never used, even in conditionals.

Those which otherwise seem to be subjunctives are either, (1) *present indicatives*, or (2) *second futures*.

Of (1) we have the following instances—*escit*, *verberit*, *vindicit*, *fariatur*, or *fatiatur*.

escit, though equivalent in meaning to *erit*, seems, as C. O. Muller was the first to observe, to be a regular inchoative present from root *es-*, as in *es-t*, *es-tis*, *es-to*, etc. It occurs also in Lucretius, i. 619, 'Ergo rerum inter summam minimamque quid *escit*?' and *super-escit* is found in Ennius, Ann. 486, 'dum quidem unus homo Romanus toga *superescit*,' and Accius, Fr. Tr. 266, 'qui hinc *superescit* Spartam ei atque Amyclas trado ego,' both quoted by Festus as = *supererit*. *Escunt* is found in Cic. de Leg. iii. 3, 9, 'ast quando duellum gravius, discordiae civium *escunt*,' and should no doubt be read in his quotation from this law (x. 9), De Leg. ii. 24, 60, 'cui auro dentes iuncti *escunt*,' not *essent*, nor, as sometimes corrected, *esunt*. I should also read *escis* with Bothe, in the fragment of Accius' Decius (Ribb. 16, who reads, apparently with the MSS., *essis*). The future meaning is easily explained, and may be paralleled with the use of the German *werden*.

verberit and *vindicit* appear to be also presents indicative, according to Schoell from verbs of the third conjugation, according to Corssen (ii. p. 405, note) from verbs of the fourth—**verberire*, **vindicire* related to *verberare*, *vindicare*, as *insignire*, *impetrire* to *signare*, *impetrare*, etc. This is of course quite possible, but I do not see that Schoell's theory need be upset (even if supported by false analogies, which he sees in the forms *modestus*, *in-tempestus*, *honestus*, etc.). The parallel of *berber* in the Arval song = *verbere* for *verbera*, seems to me a fair one, and much more, I should add, *triumpe* = *triumpha* in the same poem, q. v. p. 394.

fariatur, in viii. 22, '*ni testimonium fariatur inprobus intestabilisque*,' is also probably an indicative present. Schoell would alter it to *fatiatur*, comparing the verb *infitiari*, etc.; but there seems no reason against the existence of a verb *farior*, connected with the same roots, and with the cognates *ne-farius*, *fariolus* = *hariolus*, etc. (Cp. Corssen, ii. p. 1013, add. to p. 421.)

arduitur appears to be the right reading in x. 7, '*qui coronam parit ipse pecuniave eius* [*honoris*] *virtutisve ergo*, [*si*] *arduitur ei* [*parentique eius, se fraude esto*].' The MSS. have *arguitur*, *duuitur* or *duitur*, and other forms. Schoell reads *arduuitur*, and makes it the second future, allowing at the same time that *duim* is also sometimes a subjunctive, or rather optative, present, like *velim*, *malim*, *edim*. It seems simpler to make it as present indicative = *additur*. (See the long note in Corssen, ii. pp. 400–405.) On the interchange of *d* and *r* see Introd. iii. § 29. It is fairly common before *v* or gutturals, but rare before *d*. Schoell (p. 81) quotes further *ardesus* (i. e. *adesus*, *exesus*) from Thom. Mag. Thes. p. 57, and cp. *armessarius* = *admissarius*, Lex Salica, p. 96.

Similarly *nancitor* or *nancitur*, which Müller and Schoell would write *nanxitor*, and explain as 2nd future, may very well be a present indicative. Festus (p. 166) explains it by *nactus erit*, *praenderit*, but this does not, any more than in the case of *escit*, imply an etymological exactness in the explanation. *Nancitur*, according to this simple interpretation suggested by Mommsen (Rh. Mus. xv. p. 464: cp. Corssen, ii. p. 400, note), comes directly from a verb of the same stem as the

inchoative *nanci-sci*. This is found in Priscian, p. 888 P, as *nancio*, and in a quotation from Gracchus, '*si nanciam populi desiderium*.' Here it is a deponent, and probably, as well as *nancio*, of the third rather than of the fourth conjugation. (Schoell, p. 88, note.)

(2) Second futures are no doubt *faxit* (rightly corr. for *factum sit*) and *occisit*, in viii. 11, '*Si nox furtum faxit, si im occisit iure caesus esto;*' so also *noxit* in xii. 3, '*Si servus furtum faxit noxiamve noxit*.' *Rupsit* is Scaliger's conjecture adopted by Schoell for the obscure '*Rupitias* [in] XII significat damnum dederit,' Fest. p. 265, and introduced in viii. 2, '*si membrum rupsit, ni cum eo pacit, talio esto*,' where two MSS. of Festus read *rapserit*. Cp. the glosses of Placidus, *disrupsit, dispersit* (Sch. p. 97). Other such forms are *legassit, nuncupassit, delapidassint, excantassit, incantassit.*

This rule does not of course exclude the use of the subjunctive in a final clause, as x. 5, '*homini mortuo ne ossa legito, quo post funus faciat*.'

7. The verbal predicate seems always to be added, and must be conjectured to have been present, even where we have words quoted without it, e.g. iii. 7, '*adversus hostem aeterna auctoritas*,' was probably followed directly, or at a short interval, by *esto*.

8. The connection between sentences is of the simplest kind, as is usual in old Latin. Conjunctions are few, and are frequently omitted. Of this we have a striking example in the fragment i. 7–9, as emended by Scaliger, Bergk, and Schoell, 'Ni pacunt, in comitio aut in foro ante meridiem causam coiciunto; com peroranto ambo praesentes. Post meridiem praesenti litem addicito. Sol occasus suprema tempestas esto.'

Prepositions in composition are but lightly attached to their verbs, as we find not unfrequently in later poetry, e.g. *endoque plorato, transque dato*, etc. Other compounds, too, are in a state of formation, as *venum davit*, or *duuit, usus auctoritas, usus capio*. Cp. *satisve datio*, in Lex Rubria, C. 205, 15, *pignoris capio*, Gell. vi. 10, Gaius, etc. *Usucapio* is a later expression. *Usurpare*, similarly, seems to be from *usum rupere* or some such form, lit. 'to break *usus*.' Cp. the shortened phrase *usu venit* for the older usage of Plautus and Terence, *usus venit*.

The ablative absolute is perhaps never found, unless the rule '*aeris confessi rebusque iudicatis* XXX *dies iusti sunto*,' is an exception. *Aeris confessi*, according to Schoell, is genitive, and *iudicatis* dative, but this requires the omission of *rebus*. This is actually omitted in the explanatory paraphrase of Gellius, N. A. xx. 1. 42, '*Confessi* igitur *aeris ac debiti iudicatis* XXX *dies sunt dati* conquirendae pecuniae causa.' See note on Tab. iii. 1.

The conjunctions *ast* and *igitur* are used in somewhat different senses from those that they have in later Latin. *Igitur*, according to Fest. Ep. p. 105 M, 'apud antiquos ponebatur pro inde et postea et tum;' and so we find it in Fr. i. 1, '*ni it antestamino: igitur em capito*,' i.e. 'then, and not till then.' Plautus has similar usages: Most. 125, 'igitur tum;' ibid. 367, 'igitur demum;' Trin. 676, 'tum igitur;' Amph. 301, 'igitur demum,' and alone Mil. 772, 'quando habebo, igitur rationem mearum fabricarum dabo,' and Lucretius once, ii. 678—

'Cetera consimili mentis ratione peragrans
Invenies *igitur* multarum semina rerum
Corpore celare et varias cohibere figuras.'

Ast is used again in the sense (as Schoell has well shown) of *si* or *cum*, in the second part of a conditional sentence. It is well explained by Labbaeus' glossator ἐὰν δέ. Thus we have in all probability the right reading, '*Si furiosus escit, ast ei custos nec escit, adgnatum gentiliumque in eo pecuniaque eius potestas esto*,' v. 7; and '*cui auro dentes iuncti escunt, ast im cum illo sepeliet uretve, se fraude esto*,' x. 9.

§ 5. *Arrangement.*

The arrangement of the fragments which is here followed is that of Dirksen. It might no doubt be in some few points emended, and it is, we must always remember, nearly wholly conjectural. But it is on the whole sensible, and has the secondary advantage (which is no slight one) of being generally accepted as a basis for reference. Even though, as is probable, the Tables did not contain each a separate chapter of the law, but were rather like continuous pages, it is advantageous to view the fragments that belong to each subject separately. The following table of contents no doubt fairly represents on the whole the subjects embraced by the Law.

Table I. Preliminaries to Trial.
II. Trial.
III. Execution and Law of Debt.
IV. Patria Potestas.
V. Succession and Guardianship.
VI. Acquisition and Possession of Property.
VII. Rights pertaining to Land.
VIII. Delicts.
IX. Ius Publicum.
X. Ius Sacrum.
XI.}
XII.} Supplementary, including the Calendar, law forbidding *conubium*, etc.

Very few of the fragments are cited as occurring in this or that Table. Such are, however, ii. 2, iv. 2, and the sumptuary laws about funerals of the Xth Table. We know also something of the contents of the Supplementary Tables.

TABLE I. *Preliminaries to Trial.*

1, 2. *in ius*, before the magistrate, appearance before whom was a necessary preliminary to a Roman trial. See on fr. 4.

vocat, antestamino, capito, the plaintiff; *ito, it*, the defendant. *Antestamino* is no doubt, the right reading, though the MSS. are corrupt, the form being rather rare. For other instances see Gramm. Introd. xiv. § 13. *An-testor* is of course 'to call to witness *to* a thing,' the preposition being the same as in *an-fractus*, *am-sanctus*, *an-helare*, and perhaps in *a-stasint* or *a-stasent*, explained by Festus, p. 26, as *statuerunt*. (See Corssen, ii. p. 564.) The manner of calling a man to witness was by the formula 'licet antestari,' and touching the tip of his ear. Pliny

gives a philosophical explanation, 'est in aure ima memoriae locus quem tangentes antestamur,' N. H. xi. 45, but no doubt the practice was older than the explanation. It was probably merely a naive way of fixing attention, or, as we should say, 'serving a sub-poena.' Cp. Vergil, Ecl. vi. 3, 'Cynthius aurem vellit et admonuit,' and Copa, 38, 'Mors aurem vellens "vivite" ait "venio."'

igitur (though the root is doubtful) is probably of the same form as *simitur* for *simitus*, or *simitu*; cp. *funditus*, *penitus*, *divinitus*, forms which are classed as ablatives plural. On the meaning, see § 4, 8, pp. 512, 513. *Em* = eum, see Introd. xiii. § 27.

calvitur = frustratur, moratur, decipit[ur], Gloss., i. e. 'shirks.' Nonius, p. 6, gives a number of instances from Plautus, Casina, ii. 2, 3, Pacuvius (2), Attius, Lucilius, and Sallust Hist. The sense in these seems to be 'to deceive,' 'delay,' 'try to escape.' The root is probably *skal-* or *skar-*, 'to cut,' 'maim,' 'harm,' Gk. *σκόλ-οψ*, *σκολ-ιὸς*(?), *κολ-ούω*, *κολὸς*, etc., Lat. *cal-u-mnia*, *car-inare* (Enn.), *scur-ra*, *in-cil-are* (Lucr. iii. 976), and perhaps *cal-amitas*, *in-col-umis*. (See Corssen, ii. 172.)

pedem struit was uncertain even to the ancients, 'alii putant significare retrorsus ire, ali in aliam partem, alii fugere, ali gradum augere, ali minuere : ac (*fort.* si) vix pedem pedi praefert, otiose it, remoratur,' says Festus, p. 313 M. The antithesis would seem to be best explained by 'runs away,' *calvitur* thus implying evasion, or shirking in an underhand way, *pedem struit*, 'open flight.'

3. *morbus* is explained by Gellius, N. A. xx. 1, 27, as 'vitium aliquod imbecillitatis atque invalentiae . . . non periculum vitae,' the last being *morbus sonticus*.

iumentum he also explains as a *vectabulum*, i. e. some kind of carriage or cart; *arcera* is defined as a large covered carriage, 'quasi *arca* quaedam magna,' 'vestimentis instrata,' for old or sick people. Cp. Varro, Γεροντ. 4, p. 361.

ne sternito, 'he *need* not,' 'is not obliged to prepare.' Cp. § 4, 5, p. 510.

4. *adsiduo vindex adsiduus esto. Adsiduus*, or *assiduus* = *locuples*, is regularly explained by the grammarians as derived 'ab asse dando.' But the form *adsiduus* seems necessarily to be compounded otherwise, from *ad* and *sid-*, or *sed-*. It will probably mean 'a constant settler,' one who is, as it were, grown into the soil. As a constitutional term, it signifies a member of one of the five classes who were subject to the tributum, and who were rated on the censors' books as owners of land, 'ex iure Quiritium.' *Proletarius*, on the other hand, is, perhaps, rather one who has grown up, an after-growth (not an original citizen), since *proles* = pro-ol-es, cp. *sub-ol-es*. It is generally explained as a citizen of the sixth class, who could do nothing but breed children for the state.

vindex is an 'assertor of rights,' a 'claimant,' 'representative.' The root is probably the same as in *ven-ia*, *Ven-us* (not however *vi-num*), signifying 'will,' 'desire,' etc. : the second half is from root *dic-*, as in *med-dix*, *in-dex*. As to the office of *vindex* see Gaius, iv. § 46, Poste, p. 438. He was a responsible person who appeared before the magistrate instead of the defendant, somewhat, it may be supposed, like an attorney, Roman law requiring such presence *in iure* before an action could begin. The name *vindex* is also given to the advocate put forward by a judgment debtor when arrested; see Tab. iii. 3.

5. This is a very obscure and fragmentary enactment, but apparently meant (according to the traditional explanations of it) to give the same rights, as to

making contracts, to those allies of Rome who had revolted and returned to their allegiance (*sanates*), as were allowed to those who had been always faithful (*forctes*, or *fortes*). So Festus, p. 348 M, 'in xii cautum est ut idem iuris esset *sanatibus* quod *forctibus*, id est bonis et qui nunquam defecerant a P. R.' *Sanas* is to *sanare* just as *damnas* to *damnatus*. *Forctis* and *forctus* (also *horctus*) are old forms of *fortis*. The same stem appears in *furca*, *furculae*, *fulcire*, and without the *c* in *fir-mus*, *fer-me*, and perhaps *fre-num*. (Cp. Corss. i. pp. 149, 476.)

6. *Pacunt* for *pagunt*. Terent. Scaurus, p. 2253 P, says, 'male quidam per *c* enuntiant,' thus testifying to the old form. The *c* appears, of course, in *pax*, *pac-is*, *pac-iscor*.

7. *caussam coiciunto*, 'let them make a concise statement.' This was also called '*caussae collectio*' (Gaius, iv. § 15), and took place 'antequam perorarent.'

com peroranto, '[then] let them plead it out together.' *Cum perorant* is the MSS. reading; Bucheler (Rh. Mus. xix. p. 605) suggested *comque peroranto*, but the *que* is unnecessary, considering the style of these laws.

8. *praesenti*, i.e. if the opposite party does not appear before mid-day, judgment goes by default. *Addicito* is said of the *iudex*.

9. *sol occasus suprema tempestas esto*, i. e. the court rises at sunset. This was modified by the Lex Plaetoria (see p. 272 and note below), which substituted the call of the crier for the actual moment of sunset: but evening business was always illegal at Rome, so Antony is accused of making 'senatus consulta vespertina.' Cic. Phil. iii. 10, 24. *Sol* is read by Gellius, *solis* by Varro, Festus, p. 305 M, Macrobius, Sat. i. 3, 14, Censorinus, de Die N. 24.

10. *subvades* are probably 'sureties for *vades*.' *Vades* are sureties for appearance; *prae-vid-es*, or *praedes*, for money. Cp. p. 423. On the Lex Aebutia see above, § 3, and Gaius, iv. § 30, p. 425 P.

TABLE II. *Trial.*

1. *Sacramenti Actio* was the general action in all civil cases, and was, no doubt, much older than the time of the Decemvirs. (Cp. Lex Repet. 23, and Introd. § 2). The *sacramentum*, as here defined, answers very nearly to the πρυτανεῖον of Attic law, a deposit of equal value made by both parties before the beginning of a suit, varying, in Attic law certainly, and in Roman law probably, according to the sum in dispute; only at Rome, we read in Gaius, in the case of a slave, it was not to be higher than 50 asses, in order to give facilities to the assertion of liberty. At Athens the loser both forfeited his fee and had to repay that of the successful party, the two πρυτανεῖα being taken by the state as costs. (See Boeckh, Pub. Econ. ii. p. 64, E. T.). At Rome the loser seems only to have forfeited his own deposit. It went into the state chest, no doubt, as a compensation to the magistrate for loss of time in the decision of the suit. Sir H. Maine (Anc. Law, p. 377) compares it with the two talents of the Homeric trial-scene, on the shield of Achilles, to be given to the man who pronounced the most upright decision on a question of homicide. The magnitude of the sum, as compared with the trifling amount of the sacramentum, seems to him 'indicative of the difference between fluctuating usage and usage consolidated into law.' The comparison is perhaps

rather hazardous, seeing the very ideal character of some other of the scenes on the same shield.

The origin of the term *sacramentum* is generally explained on the authority of Varro, from the sacred place (*ad pontem*) where it was deposited pendente lite. '*Sacramentum* a sacro . . . ad pontem [sometimes corrected, but needlessly, *ad pontificem*] deponebant . . . qui iudicium vicerat suum sacramentum e sacro auferebat, victi ad aerarium redibat,' L. L. v. 180. Cp. also the phrase 'in sacrum iudicare' of the Lex Silia, Instrumenta Publica, p. 273. But it would seem much more in harmony with the other uses of the word and its cognates, to explain it in its original meaning, as an oath calling down the wrath of heaven if the swearer was perjured. Cp. Festus, pp. 344, 345 M, '*sacramento* dicitur quod [iuris iurandi sacrati]one interposita actum [est; unde quis sacramen]to dicitur interrogari,' e. q. s., and p. 344, '*Sacramentum* aes significat quod poenae nomine penditur sive eo quis interrogatur sive contenditur,' e. q. s. According to these two passages of Festus (which have not been sufficiently compared and considered), the *sacramentum* is the deposit made, either in a private action (*contentio*) by both parties, or in a public action (under the Aquilian law) by the accused party, who has to answer the *interrogatio* 'guilty' or 'not guilty' of damage done to the plaintiff—*damnum iniuria factum.* (See Rudorff, R. R. G. § 41, and passages there referred to.) In the first passage Festus explains it of the 'iurisiurandi sacratio' which accompanies the deposit. It is true that he goes on in the second to connect *sacramentum* with the expenditure of the sums forfeited on the sacra 'propter aerarii inopiam,' but he is contradicting his former, and (I think) more correct statement. The oath of the justice of the cause defended, and the religious penalty it involved (perhaps loss of civil rights, cp. *sacer esto*), must, in process of time, have been commuted for a payment in kind, or money, at a fixed rate. And though the oath seems to have continued, at least in the *interrogatio lege Aquilia*, it naturally got to be regarded as less important than the deposit of money which accompanied it, so that the latter acquired, in time, the name of *sacramentum* exclusively, and was variously explained by Varro, and, once at least, by Verrius Flaccus (the original of Festus), as derived from some connection of place or usage with religion. Modern writers have, I believe, universally followed them, though ready enough, on other occasions, to criticise Varro's derivations. It is curious that a perverse note of this kind, which seems, on the face of it, only a guess on his part, should have had so much influence, especially in the interpretation of an action so constantly appealed to as an important relic of antiquity. And this is more remarkable, seeing that the metaphors taken from the process *iusto*, or *iniusto sacramento contendere*, etc., (Cic. de Or. i. 42, Pro Mil. 75, Pro Domo, 78, Pro Caecina, 97), seem necessarily to imply the assertion of the *rightfulness* of a cause such as in old times must have taken the form of an oath.

The taxation of the *sacramentum* at so many asses was, no doubt, the work of the decemvirs, who seem rightly to be credited with the introduction of coined money. See Mommsen, Ueber das Römische Münzwesen, pp. 237 foll., who shows that previously we have no trace of fixed sums except in cattle, *pecus multaticium*,

etc. Gaius, too, expressly draws the conclusion from his knowledge of the XII Tables, that there were no silver or gold coins in use at this time, and that the copper coins were 'asses, dupondii, semisses et quadrantes,' Inst. i. § 122. He does not, however, see that the 'aes et libra' is a relic of a still older time, when there were no regular coins.

The whole process of the *actio sacramenti* is an interesting one. See especially Poste's Gaius, iv. § 16, and his commentaary, pp. 410–413, for fuller details, and Maine, Anc. Law, pp. 375–378, cp. Cic. Murena, 12, Gellius, N. A. xx. 10.

In the case of the vindicatio of a slave, given by Gaius, the first step was a claim, made in turn by each party, by imposition of a *vindicta, festuca*, or wand, signifying a lance or hasta, the symbol of dominion. The formula used was 'Hunc ego hominem ex iure Quiritium meum esse aio secundum suam causam sicut dixi. Ecce tibi vindictam imposui.' The praetor then said, 'mittite ambo hominem;' the first claimant went on, 'Postulo anne dicas qua ex causa vindicaveris?' the other answered, 'ius peregi sicut vindictam imposui' (i. e. 'I stated my title before I touched him with my lance'). The first then said, 'Quando tu iniuria vindicavisti, D aeris sacramento te provoco;' the other 'Similiter ego te,' or else they wagered 50 asses. After this followed the assignment of the 'vindicia,' or interim possession, and an appointment of a set day, etc. According to the XII Tables, in the case of a person whose freedom was disputed, the *vindiciae* ought to be given *secundum libertatem*. See below, Tab. vi. 6. The 'impositio vindictae,' in the case of a moveable thing that could be brought into court, was paralleled in the case of land by the 'manuum consertio' (cp. Tab. vi. 5, which should probably be transferred here). This took place, at first, 'in iure,' i. e. the praetor went to the spot, afterwards, when the Roman territory was enlarged, 'ex iure,' in the presence of witnesses; lastly, it became a mere fiction (Gell. xx. 10). It is defined by Gellius as 'manus correptio in re atque loco praesenti,' and appears to have been a relic of a preliminary to a trial by battle, a trace of which is seen also in the 'impositio vindictae.' This is Mr. Poste's view, who at the end of his note seems to be tending to the explanation of 'sacramentum' given above, without, however, really touching upon it.

2. This is one of the fragments of which the number of the Table is certainly known. See Fest. p. 273 M.

morbus sonticus, defined by Gell. xx. 1, 27 as 'morbum vehementiorem vim graviter nocendi habentem.' *Sons, sonticus*, are very probably explained by Lottner (followed by Corssen, Kr. Beitr. p. 34, Kr. Nachtr. p. 70) as cognate with O. H. G. *sunta*, modern Germ. *Sünde*, our *sin*. A recent writer has suggested that *sons* is properly the participle of *sum*, and signifies 'real'; but this, though ingenious, is not so probable.

status dies cum hoste, i. e. 'iudici causa constitutus cum peregrino,' Fest. p. 314 M. Cp. Plautus, Curculio, i. 1, 4—

> 'Si media nox est sive est prima vespera,
> Si *status condictus cum hoste* intercedit *dies*,
> Tamen est eundum;'

and Gell. xvi. 4, 3. We do not know for certain whether the full term '*status*

condictus dies' was in the Tables, or whether the action of *condictio* existed so early, but we must suppose something of the kind at least in relation to peregrini. For further particulars as to this action see note on formulae rerum repetundarum, p. 554 foll.

hostis = 'peregrinus qui suis legibus utitur.' So 'adversus hostem aeterna auctoritas,' Tab. iii. 7, Cic. de Off. i. 12, 37, Varro, L. L. v. 3. The latter passage is important for the meaning of the word: 'Multa verba aliud nunc ostendunt, aliud ante significabant, ut *hostis*, nam tum eo verbo dicebant peregrinum qui suis legibus uteretur, nunc dicunt eum qui tum dicebant perduellem.' This is borne out by the older citations of the word, with the seeming exception of the *first* instance in the formula given by Cincius, 'vis *hostesve*, status condictusve dies cum *hoste*,' p. 283; but that formula bears traces of being modernised. We are probably right, therefore, in assuming that *hostis* originally meant 'stranger,' and in comparing it with Gothic *gast-s* (used in Ephes. ii. 19 = ξένοι), Church Slavonic *gosti*, Germ. *Gast*, our *guest*, words which seem, like ξένος, to have first implied 'stranger' rather than 'guest' or 'guest-friend.' See Mommsen, Forschungen, pp. 326, 349, and the remarks of Curtius there quoted. There is a difficulty, however, as to the root, which is generally assumed to be Sanskrit *ghas*, 'to eat,' as *hostis* seems never to have implied the relationship of hospitality which *hospes* does. On this and similar grounds Corssen rejects the usual explanation, and divides the root *ghas* into the two senses of 'tearing' and 'eating.' *Hostis*, and words like it, *hostire*, *redhostire*, *hostia*, *hasta*, he derives from what he holds to be the original meaning of 'tearing' or 'striking,' while *guest*, etc., come from the secondary use of the root to describe first savage, and then hearty eating. (Corssen, Kr. Beitr. pp. 217–226, Kr. N. p. 247, Ausspr. i. p. 796). But the sense of 'tearing' has, I believe, not been substantiated, and Gothic *gast-s*, as we have said, does not seem originally to mean a 'guest-friend,' any more than *hostis*. It is best, therefore, to leave the ultimate derivation undecided. *Hospes* is probably a compound of *hostis* = *hosti-pe(t)-s*, the 'protector of a stranger,' or the 'protected stranger.' Cp. *sospes* = *sos-pe(t)-s*, 'that which keeps or is kept safe.'

vitium, 'impediment.' The root of this, as of many other words, is *vi*, 'to bind, bend, or wind' (Corss. i. 540). The original meaning probably is a weak or defective place, ready to bend or give in.

iudex and *arbiter*, see on Lex Bant. line 4.

reus = 'alteruter ex litigatoribus,' Ulpian, etc. The root is the same as in *re-or*, *ra-tus*, *ra-tio*, Germ. *Rede*, *Rath*. The sense of legal or judicial investigation or decision seems to be common to them all, but another derivation for *res* is probably to be preferred, though Corssen assigns it the same etymology.

eo, on that account.

3. This appears to mean, 'Whoever is in want of a witness, is to go and call loudly before his (the witness'?) house every third day,' as if '*tertiis diebus*' = 'tertio quoque die.' It may be merely a plural for a singular, to express generality 'on the third day in every case,' meaning the third day after the summons before the praetor. Similarly, we have '*libras farris endo dies dato*,' which seems merely to mean, 'a pound of meal every day.' The clause would appear to express the means of subpœnaing a witness who otherwise would not attend.

Portus is explained as *domus* by Festus; *ianua* has also been suggested by other grammarians.

Obvagulatum is evidently connected with *vagitus*, which is as evidently a word expressive of sound.

TABLE III. *Execution—Law of Debt.*

1. Schoell would omit *rebusque iure*, joining 'confessi aeris iudicatis,' 'those who have been condemned in an acknowledged debt,' which Bruns criticises by saying 'confessum iudicari non posse in iure Romano' (p. 16). Gellius, however, certainly uses the expression 'confessi igitur aeris ac debiti iudicatis triginta dies sunt dati conquirendae pecuniae causa quam dissolverent,' etc. (N. A. xx. 1, 42), where he goes on to quote this law. On the other hand, the words appear in that passage, and *rebusque* without *iure* in Gellius, xv. 13. On the whole, it is best to keep the text as it stands, making *confessi aeris* a genitive of relation.

2, 3. *iudicatum facit*, 'pays the judgment debt.' *Endo eo* = ineo, αὐτοῦ, 'on the spot;' cp. *inibi*. Others correct *em* or *eom*. *Vindicit*, probably a pres. indicative. See § 4, 6, p. 511. *Ducito*, see on Lex Rubria, 18. *Nervo aut compedibus*, 'stocks or fetters.' The correction here given by Schoell is *ne maiore, aut si volet minore vincito;* the MS. of Cujacius is said to have read *maiore aut si volet minore vincito;* all known MSS. of Gellius *ne minore, aut si volet maiore vincito*, which is defended by Niebuhr and Puchta, § 179 *f*, as directing you to secure the prisoner with a weight at least sufficient to prevent escape. But it would be contrary to the general tendency of this law, and of law in general, to fix only the *minimum* of punishment, especially if it is to be inflicted by private individuals. The next section, too, is clearly conceived in the interest of the debtor.

4. *libras farris endo dies*, 'a pound of coarse meal every day.' This would appear to be the lowest daily ration of a slave, 'cui satis *una* | *farris libra* foret gracili sic tamque pusillo,' Hor. Sat. i. 5, 68. Other writers speak of four or five modii a month, which would give (roughly) two or three pounds a day. Cp. note on Cato, R. R. c. 56.

6, 7. *tertiis nundinis*, 'on the third market-day the creditors are to cut or divide their shares,' explained by *capite poenas dabant*. But are we to understand *caput* in the sense of life or of civil status? Was the sectio an anatomy of the debtor's person or of his estate? The former is the unanimous explanation of those ancient authorities who speak of it (though they assert that an actual anatomy never took place), and they are followed by Niebuhr and Puchta (Gellius, xx. 1, 48, Quinct. iii. 6, 84, Tertull. Apol. 4, Dio Cass. Fr. xii Mai). Schoell says, on the other hand, 'nimirum bona debitoris non corpus,' and it is very unlikely that the utilitarian Romans should have neglected such a simple procedure as the division of a bankrupt's estate. It must also no doubt be presupposed as a necessary step to the *bonorum venditio* introduced by the praetor P. Rutilius about 100 B.C. (649 V.C. according to Puchta, vol. ii. p. 207, § 179 *aa*.) But was such a division introduced so early as the XII Tables? There seems reason to doubt it. In the first place, ancient authority as to the meaning of the law is supported by other analogies, e.g. that of *sacer esto;* and secondly, private law seems to have

been slower in its growth than public, e.g. the kindred action for distress, *pignoris capio*, was, as far as we know, restricted to cases of a public character being allowed 'in claims relating to military service, to religion, or the revenue' (Poste's Gaius, p. 421. See below on xii. 1). I am inclined therefore to believe that the Tables still authorised creditors to take the 'pound of flesh,' but that in course of time a custom grew up of simply dividing the debtor's estate if he had any. The meaning of *se fraude esto*, 'let it be without risk or prejudice to them,' depends of course on the interpretation of *partis secanto*. If we explain it with the ancients, we have here a provision against such a line of retaliation on the part of the debtor's friends, as that taken by Portia in the Merchant of Venice; if with Schoell, it must mean, 'an inexact division among the creditors cannot be made the ground for a further action of one creditor against the others.' He must abide by the division made by the whole body, even if he thinks he has not received exactly his share. Such a difficulty would certainly be naturally incident to a division in kind, and such disputes would make it very desirable to substitute a '*venditio bonorum*' for a partition.

7. *adversus hostem aeterna auctoritas*, cp. ii. 2. The meaning is, 'a stranger can never obtain rights over land or other property by usucapio,' or more literally, 'rights of possession against a stranger are eternal.' Cp. the similar maxim of English law, 'nullum tempus occurrit regi,' or 'ecclesiae.' This fragment would perhaps be more in place under Tab. VI, where *usucapio* is mentioned more at length.

Table IV. *Patria Potestas.*

1. The law seems to have allowed or ordered deportation or destruction of monstrous infants. Cp. the law ascribed to Romulus by Dion. Hal. ii. 15, *ἀποκτιννύναι δὲ μηδὲν τῶν γενομένων νεώτερον τριετοῦς, πλὴν εἴτι γένοιτο παιδίον ἀνάπηρον ἢ τέρας ἐνθὺς ἀπὸ γονῆς.* Pliny, N. H. vii. 4, describes the deportation of a monstrous child. Exposure of children was, however, allowed by custom till a late date: cp. the phrase 'filium suscipere,' as if the preservation of a child was an act of grace on the father's part. It was not till the time of Constantine that a general attempt was made to prevent infanticide or exposure of children, by offering state aid to all who professed inability to support their offspring, though a good number of the emperors—Augustus, Nerva, Trajan, Antoninus, Marcus, and Alexander Severus—had done something to establish funds or institutions for the maintenance of the children of poor citizens. But though Constantine orders 'proponatur lex quae parentum manus a parricidio arceat votumque vertat in melius' (Cod. Theod. xi. 27, 1 and 2, A. D. 315 and 322), he attaches no penalty to infanticide. A penalty is not distinctly mentioned till 374, by a constitution of Valentinian, Valens, and Gratian, which, however, simply speaks of 'animadversio quae constituta est' (Cod. Iust. viii. 52, 2). The remarks of Milman, Latin Christianity, book iii. ch. 5, are not very clear, and especially want fulness in the references to authorities.

2. *Si pater filium*, etc. This is quoted by Ulpian, Fr. x. 1 ed. Huschke, Iurisprud. Ant. p. 468, and by Gaius, i. 132, but from *ter* to *patre* Gaius is defective. The

Vatican MS. of Ulpian reads *venum duuit*; this has been corrected to *venum dabit* by Turnebus, which is adopted by Lachmann and others. Schoell and Huschke read *duvit*, after Cujacius; see Sch. Proleg. p. 85 sq. Others read simply *duit*. A great deal has been written about this form, but it would seem to be much simpler to take the MS. of Ulpian as it stands, and to suppose that he wrote *venumduerit*, whatever the law may have had originally. So the jurists use *praestavit*, *praestavimus*, *praestavim*, *repraestaverit*; see instances in Neue, Lat. Formenl. § 52, vol. ii. p. 368, one being from Ulpian, Dig. xxii. 1, 37. If *duuit* is read, it may as well be perfect indicative (cp. *pluvi*, *fuvi*, Introd. xvii. § 13) as second future.

This is one of the very few fragments of which we know the place. *ἔστιν ἐν τῇ τετάρτῃ τῶν λεγομένων δώδεκα δέλτων*, says Dion. Hal. ii. 27, who ascribes the permission of a triple sale to Romulus. The enactment here was probably intended first as a check to arbitrary use of the patria potestas, but it was historically used as a legal principle, (1) as supplying a means by which a father could emancipate a son willingly, e.g. when he wished to transfer him by adoption to another gens, or to enable him to hold a separate possessio of public land, etc.; (2) by a strict interpretation of *filius*, and by deducing the general principle that sale terminated patria potestas, to assume that *one* sale was a means of enfranchising any other relation.

A father's rights over his son with regard to punishment were gradually modified and extinguished. With regard to property, they remained till a comparatively late date. On the *Castrense* and *quasi-Castrense peculium*, the private earnings of military and civil officials, and their exemption from paternal power, see Maine, Anc. Law, p. 142.

3. *Divortium* appears to be dissolution of marriage by consent; *repudium* by a message sent by either party in the form 'tuas res tibi habeto,' or 'tuas res tibi agito,' Gaius, Dig. xxiv. 2, 2, 1. The XII Tables seem to have required some outward sign of repudiation, probably in the case of a wife *claves adimere*, *exigere*, the last word being used in a rare sense, 'to turn out of doors.'

4. Some law was no doubt needed to settle the question of the rights of posthumous children to succeed their fathers.

TABLE V. *Succession and Guardianship.*

1. The ordinary rule is that *tutela* ceases at the age of puberty, which was defined by Justinian at fourteen years for boys and twelve for girls; but in old times it seems that women never came of age. A *tutor* is generally distinguished from a *curator* by the maxim 'tutorem personae dari, curatorem rebus.' The former supplied the place of his ward as a citizen; the latter acted more like our guardian, and his office could continue up to the age of twenty-five. A curator was sometimes appointed temporarily for a special purpose, and sometimes to manage the estate of a madman or spendthrift. In cases of women, according to the XII Tables, as well as in that of boys, an agnate must be tutor (Gaius, Inst. i. 157). The reason why a Vestal was excepted was partly the sacredness of her

office, and, as it were her perpetual wedlock to the state, partly her incapacity for inheriting by the ordinary rules (Labeo, ap. Gell. i. 12, 18).

2. 'The *res mancipi* of old Roman law were, land—in historical times, land on Italian soil—slaves, and beasts of burden, such as horses and oxen. It is impossible to doubt that the objects which make up the class are the instruments of agricultural labour, the commodities of first consequence to a primitive people.' Maine, Anc. Law, p. 277. *Mancipium* seems originally to have been a general term for property, so called as being in a man's power, or *in manu*, though *manus* historically as a legal term is restricted to the power over a wife (see on vi. 4). We have, however, the metaphors in general literature *in manu esse, in manu positum*, used of things under a man's power or control. *Res mancipi*, then, at first included all kinds of 'property' thought worth the name. They could only be transferred by the ceremony of mancipatio *per aes et libram*, in the presence of five witnesses, all puberes and Roman citizens representing the five classes of the Servian constitution, and a libripens, theoretically, to weigh the uncoined bars of copper. See on vi. 1 for various formulae. All other things were called *nec mancipi*, and could be transferred by simple *traditio*.

3. *uti legassit super pecunia tutelave suae rei ita ius esto.* This rule was appealed to by the later jurists, Gaius, Pomponius, etc., as giving unlimited power of testamentary disposition. It was restricted in later times by the Furian, Voconian, and Falcidian laws, for which see note on p. 549 foll. *Legare* is properly to give directions to the heres.

On the subject of Roman wills, the whole of Sir H. Maine's sixth chapter should be read. He considers the object of this law to be the legalisation of the plebeian will, in place of the old one at the Comitia Calata (p. 202). That old will was a declaration, in presence of the gentes assembled for private business, of a man's intentions after death, and was not valid without their consent, real or supposed. The inconvenience was obvious, and naturally recourse was had to the other form, probably in use among the plebeians, which was a modification of the mancipium, i.e. a fictitious sale, in which the testator disposed of his estate to the heir, or to a person representing the heir, though he did not of course transfer the property. See below on vi. 1.

4, 5 are the rules of intestate succession, when a man did not leave a *heres suus* or *necessarius*, i. e. a son or daughter, or a son's child, or child of a son's son—for a daughter's child had no right to inherit. In default of *sui heredes* succession went to the *agnati*, i. e. blood relations through males, first to a brother or sister by the same father, then to the children of a brother, and generally to relatives through males, not through females, for 'mulier est finis familiae.' If there were no agnates, the inheritance passed to the 'gentiles.' The tendency of equitable praetorian jurisdiction was to introduce the idea of modern or 'cognatic' relationship, and consequently to destroy the exclusive rights of the agnates and gentiles. *Gentiles . . . habento* seems to be the right reading, not *gentilis habeto* or *nancitor:* see the citations in Schoell. The corporate action of the gens is obscure.

7. The words *ast ei custos nec escit* from Fest. p. 162, M, are introduced by Schoell and others after *si furiosus escit;* but probably Bruns is right in saying

that they belong elsewhere, as the existence of a *custos* could not exclude the agnates from their rights. The same law was extended to spendthrifts, *prodigi*.

8. The application of the words *ex ea familia in eam familiam* to the case of the patronus succeeding to an intestate freedman is not very clear. Huschke suggests 'ea f. in eam f. ius habeto.'

10. *actio familiae herciscundae*. This was an action for a judicial division of property left to coheirs, which it was competent for any one of them to bring against the other coheirs, in case they could not agree as to the division. Such an action was called a *duplex* or *mixta actio*, inasmuch as in it, as in the other actions of the same class, *communi dividundo* and *finium regundorum*, the plaintiff was both actor and reus. The derivation of *hercisci* and cognate words *herctum*, *heres* is discussed by Corssen, Kr. Beitr. p. 39 fol. He derives them from a root *har* or *ghar*, 'to take.' Cp. stem *her-e*, 'to will,' in Umbrian.

Table VI. *Acquisition and Possession.*

1. *nexum* . . . *mancipium*. 'In making a bond or conveyance the terms of the verbal declaration are to be held binding.' *Nexum* is a bond or contract; *mancipium* a conveyance or transfer. The two seem to have originated in the same process, since *nexum* is defined as 'omne quod geritur per aes et libram.' Gradually *mancipium* was restricted to actual transfer, while *nexum* was used to express an *incomplete* conveyance. See Maine's 9th chapter, 'The Early History of Contracts.' Persons who had not fulfilled their share of the supposed conveyance, e. g. debtors, were called *nexi*, and were hardly treated by the law, inasmuch as they were supposed to be evading fulfilment. That the *nexum* and *mancipium* implied originally the same process is shown by the fact that a *nexum* was dissolved *per aes et libram* as described by Gaius, iii. § 174, according to Poste's translation of the somewhat defective passage, 'There must be present five witnesses and a holder of the scales, and the debtor to be released must say these words, "Whereas I am condemned to thee in so many thousand sentences by such and such a nexum, or by such and such a judgment, that debt I pay and discharge by this ingot and balance of bronze. When I have struck the scale with this first, this last ingot of bronze, no further obligation by the terms of the nexum, or by the judgment, remains in force." Then he strikes the scale with the ingot and gives it to the creditor as if in payment.' For a historical instance see Livy, vi. 14. The form of making a testament (i. e. a mancipium) per aes et libram is given by Gaius, ii. § 104. The familiae emptor (at first the heres, then a fictitious person) there says, 'Familiam pecuniamque tuam endo mandatela tutela custodelaque mea [esse aio, eaque], quo tu iure testamentum facere possis secundum legem publicam, hoc aere,' and, as some continue, 'aeneaque libra esto mihi empta.' He strikes the scale and gives the ingot to the testator, who makes the *nuncupatio* as follows, holding the tablets of his will, which has been already written, 'Haec, ita ut in his tabulis cerisque scripta sunt, ita do, ita lego, ita testor, itaque vos Quirites testimonium mihi perhibetote.' The ordinary *mancipatio* or formula of sale by which *res mancipi* were transferred was almost exactly similar, and is given by Gaius, i. § 119. See also above on v. 2.

The *uti lingua nuncupassit*, like the *uti legassit*, gave great freedom both to testators and persons making conveyances or contracts. At first, doubtless there were no written wills or contracts, and hence the importance of giving validity to the words used, irrespective of the technical terms in which the old formula was couched, and of insisting on the presence of so many witnesses. Later on, in the time of Gaius (ii. § 104), the *nuncupatio* seems to have been restricted to a declaration in the presence of witnesses that the document named is the act of the person who signs it, such as is still required by our own law in the case of a will or other legal document. The verbal recitation of the text of a will in presence of witnesses is still, it may be remarked, required in the island of Jersey, and perhaps elsewhere on the continent.

3. On *usucapio*, see Gaius, ii. § 40 foll., cp. esp. § 42, '[usucapio] mobilium quidem rerum anno completur, fundi vero et aedium biennio; et ita lege XII tabularum cautum est.' The object of making prescriptive right of this sort depend upon so short a tenure was no doubt at first to ensure the speedy adition of inheritances, so that a man's place, with its duties to the state and to religion, should not long be left unfulfilled. It was used as an important principle by the later lawyers to give Quiritarian or complete ownership to persons who otherwise had only possession 'in bonis' or bonitary dominion, which, though protected by praetorian law, was not so complete or full.

4. *Manus* was no doubt at first a general term (see on v. 2) for all rights of possession, but is in extant Roman law confined to the power of husband over wife, though otherwise exactly like the *potestas* of a father. It was acquired in three ways, either (1) by *confarreatio*, a religious marriage, which could only be dissolved by a ceremony of reversal, the *diffarreatio*. This soon went out of general use, though it remained in use for the 'flamens' and some others. (2) By *coemptio*, which was a form of mancipium, just like the testamentum per aes et libram, i. e. a fictitious sale in the presence of five witnesses and a libripens, the exact formulae of which are unknown. See, however, Poste's Gaius, p. 78. (3) By *usus*. In the last case *manus* was acquired after the uninterrupted cohabitation of a year; but the XII Tables ordered that, in case a woman was absent three nights in succession, *manus* was not acquired, thus introducing a form of civil marriage without manus, which was not of course of the essence of marriage. In process of time this civil marriage without manus became the usual one, and the theory of usus in respect to marriage was allowed to fall into desuetude. A woman thus married without manus was called *usurpata* (*usurpo* is prob. from *usura*, not, as sometimes said, from *usum rumpere*). See Mucius in Gellius, iii. 2, 12.

5. See above on Tab. ii. 1, at the end of the note. This fragment ought probably to be placed under the second Table.

6. *vindiciae secundum libertatem* = 'temporary possession to the claimant who asserts liberty,' lit. 'on the side of or in the direction of liberty.' See the same note a little before.

7-9. *Tignum iunctum*, etc., 'a man must not dislodge a beam (that has been stolen from him), either from a house or the framework of a vineyard, from the time of the first pruning until after the vintage.' *Tignum* alienum or furtivum.

The reading is doubtful. The MSS. of Festus read *vineaque* or *minerve*, Cujacius *vineaque*, Scal. *vineaere*, and the MSS. *et concapit*, for which O. Muller suggests *e concape*, which Schoell changes slightly to *e concapi*. The word *concapis* is never found, but we have '*procapis* progenies quae ab uno capite procedit,' Fest. p. 225, M. *Concapis* would mean the framework, arrangement of posts, etc., on which Italian vines are often trained. Schoell reads *vineare*, though *vineaere* would seem to be a more natural construction. *Iungere* is indeed used by Cicero several times with an ablative, as with scelere, De Orat. ii. 58, 237; defensione, Brutus, 44, 162; invidia ac multorum inimicitiis, Ad Att. i. 19. 6. With a material object, however, the dative appears to be more usual. The passage adduced by Schoell from Vergil, Aen. vii. 724, 'curru iungit equos,' is not really an exception, as Vergil uses the form in *u* for the dative of that declension. Here *vineaque* of the MS. is as like *vineaere* as it is *vineare*, if not more so. *Et concapit* can only be construed 'if the owner discovers it.' See below on viii. 15, *furtum conceptum*.

Sarpta, from *sarpio*, which is explained by 'putare.' The root is no doubt the same as in Gk. ἅρπη, Germ. *scharf*, our sharp, and probably many other words, such as scrap, scrape, scarp, scarf, scar, etc. The root is probably 'skarp.'

TABLE VII. *Rights relating to Land.*

1. *ambitus*. Fest. p. 5, M, 'circuitus aedificiorum patens duos pedes et semissem.' This might or might not be surrounded by a wall. Serv. ad Aen. ii. 469, speaks of the 'maceries quae ambit domum' as being sacred 'Hercaeo Iovi.' The latter name seems to be borrowed from the Greek Ζεὺς Ἑρκεῖος, and rightly enough (whatever may have been the actual use of the term), since the Roman house, like the Greek, stood apart in a sacred precinct, as ἕρκος ἱερόν. Cp. De Coulanges, La Cité Antique, ii. 6, pp. 66, 67, though his comparison of ἕρκος and 'herctum' may be doubted.

3. *Hortus* is of uncertain derivation, though certainly the same word as Greek χόρτος and cognate with *co-hor(t)-s*. As *hortus* signifies any enclosure, garden, and, as here, a 'villa,' so *co-hors* is an enclosure *walled in*, a court (cp. the distinction between *vallis* and *con-vallis*), or a division of the army separated from the rest, a cohort.

Heredium is a small plot of land of two iugera, the smallest amount of public land given at a division. See above, Introd. to Agrarian Law, p. 443.

tugurium, a cottage, connected with *tego*, *toga*.

4. According to Cicero the XII Tables did not allow a piece of ground *intra quinque pedes* (less than five feet in breadth?) to be acquired by usucapio, probably to prevent small encroachments which it might be difficult to detect. Further, they ordered three *arbitri finium regundorum* in case of dispute.

5. *iurgant*. *Iurgare* is for *iur-igare*, so *pur-gare* for *pur-igare*, both these being found in Plautus (Corssen, ii. 583). *Iurgium* is described by Nonius, p. 430, as less than *lis* and as 'inter benivolos aut propinquos dissensio vel concertatio.'

6. *Viae privatae* are to be eight feet in width, or sixteen where they make a bend. Such are roads over another man's land over which one has a servitude or easement. Owing to the paucity of public roads, rights of way were the most

important of ancient servitudes. The three classes are, *iter*, which allows walking or riding on horseback; *actus*, which further permits driving cattle or driving in a carriage; and *via* (the greatest), which gives the right to drag stones or timber. In Roman, though not in English, law the greater servitus includes the less. Besides the breadth of road, the 'servitus' of 'via' allows a man space to carry a spear upright in his hand, i. e. overhanging branches of the neighbours' trees must be clipped above the roadway a certain height.

7. This allows a man to use his easement anywhere on his neighbour's land, provided the latter does not mend the road. The words *muniunto: ni sam delapidassint* are Mommsen's acute emendation for the strange confusion of the MSS. and the guesses of the commentators. *Sam*, see Introd. xiii. § 39.

8. *aqua pluvia* is natural rain-water or water mixed with such which increased from showers. See the article in Smith's Dict. of Antiquities. We should read *rivus aquae ductus*, i. e. 'a water-course' of any kind, not *aquaeductus*, and so Bruns.

10. *glandem* is defined to include all kinds of fruit, 'omnis fructus.' Gaius, ad l. XII Tab. in Dig. L, 16, 236, § 1. *glans* is etymologically the same as *βάλανος*, though the derivation is uncertain. Cp. *gravis* and *βαρὺς*, and perhaps *ger-men*, *gre-mium* and *βρέφος*. Curt. Gr. Et. pp. 416, 420.

TABLE VIII. *Delicts.*

Delicts or *torts*, that is, civil wrongs, include in Roman law a great many actions which we should treat as *crimes*. Crimes or offences against the state were not at first touched by Roman law, but each special case was made a matter for the whole comitia. The first step in advance was to nominate committees or quaestiones on particular cases pro re nata. The next is the periodical nomination of commissioners, 'like the Quaestores Parricidii and the Duumviri Perduellionis, on the chance of certain crimes being committed, and in the expectation that they *will* be perpetrated. The *last* stage is reached when the Quaestiones, from being periodical or occasional, become permanent benches or chambers . . . and when certain acts are described in general language and declared to be crimes, to be visited in the event of their perpetration, with specified penalties appropriated to each description.' Maine, Anc. Law, p. 385 fol. (The whole of the ninth chapter, Early History of Delict and Crime, should be read. See also Introd. to Lex Acilia on the Quaestio de Repetundis, p. 425 foll.). We find, then, amongst delicts the following criminal offences: robbery, theft, violence, outrage, arson, and even murder, and we find them treated with curious inequality, and still in several cases rather as *sins* than *crimes*.

1. Among the very few capital offences of the XII Tables, says Cicero (de Rep. iv. 10, 12), was libel, *occentatio* or *malum carmen*, and this, we learn from the commentators on Horace (Ep. ii. 1, 152), was punished with *fustuarium* or beating to death; or, as he says of older poets, 'vertere modum formidine *fustis*.' *Fustuarium*, as a military punishment, *ξυλοκοπία*, is described by Polybius, vi. 37.

2. *rupsit* is the probable reading, conjectured from the various readings of Festus, *rapserit*, *rapit*, *rupitias* (= 'rupsit' in). Gellius has *rupit*. For a number

of other double forms of the perfect, see Introd. xvii. § 11. Scaliger's emendation, '*rupsit* (in XII rupitias XII MS.) significat damnum dederit' (Fest. p. 265, M), is probably to be accepted. There is no particular reason for making a substantive *rupitias* and joining it with *sarcito*, which Festus (p. 322 M.) explains, 'damnum solvito,' especially as *sarcire* in this sense seems to have been used rather frequently in the law. See below, 9 and 13.

The method of exacting *talio* is illustrated by a quotation from Cato's Origines, v. (p. 17, fr. 5, Jordan), 'si quis membrum rupit aut os fregit, talione proximus cognatus ulciscitur.' For the principle compare the law of arson, fr. 9.

The Mosaic law of very similar import is, curiously, not quoted in the Collatio Mosaicar. et Rom. Legum. 'If a man cause a blemish in his neighbour; as he hath done so shall it be done to him; | Breach for breach, eye for eye, tooth for tooth,' Lev. xxiv. 20. Cp. Exod. xxi. 24, Deut. xix. 21.

3. *sestertiorum* is probably a gloss, and is condemned both by Huschke (Collat. Mos. et Rom. Leg. ii. 5, where this is quoted) and Schoell. In fact, the sum probably meant *asses* not *sestertii*, and so Gaius, Inst. iii. 223, 'tercentorum assium poena erat statuta.' And so in the next fragment, *viginti quinque poenae sunto* is explained as twenty-five asses, Gell. xx. 1, 31, Fest. p. 371, M, Gaius, iii. 223. The libral as was no doubt at first the unit, and need not be expressed.

4. *iniuriam*. According to Gaius, *Iniuria* denotes not only actual violence or assault and battery, but defamation and injury to personal honour or reputation, libel, malicious persecution and the like (Gaius, iii. § 220). Libel indeed was by the XII Tables liable to severer punishment than *iniuria*. But the whole subject of such wrongs was reconstituted by the Lex Aquilia, carried probably A. V. C. 469, B. C. 285. Cp. Ulpian in Dig. 9. 2. 1, and the notes upon it below.

5. *pauperies*, 'damnum dicitur quod quadrupes facit.' Fest. Ep. p. 220, M.

6. *noxalis actio*, in the case of theft or injury done by a son or slave, or pauperies caused by an animal might lie against the father or master. Either the full amount of damages must be paid or the person or animal surrendered (*noxae dare* or *dedere*), a proceeding which took place by mancipatio. See Gaius, iv. § 75-81.

7. *qui fruges excantassit*. The words quoted by Servius, 'neve alienam segetem pellexeris,' ad Ecl. viii. 99, 'atque satas alio vidi traducere messes,' are of a different character and construction from the other words of the law, which contain no instances of such direct prohibitions in the second person, nor do they really add any new idea. For though *fruges excantare* seems to mean 'to charm away crops from a neighbour's field,' and *segetem pellicere*, 'to attract them to one's own,' yet it is hard to imagine these crimes separately treated in the law as of dissimilar character or unequal guilt. Schoell is therefore probably right in considering them as a gloss adduced by Servius without much caution. Compare, however, the quotation from Cicero, pro Tullio, below, fr. 12, where *non occides* seems to be part of the law.

8 (9). *Suspensumque Cereri necari*. This is a good instance of the continuance of religious ideas in Roman law. The man who depastures, or cuts his neighbour's crops by night, is evidently considered as 'sacer Cereri,' and may be

offered as a sacrifice to her. The good farmer, on the other hand, is her favourite,

'neque illum
Flava Ceres alto nequicquam spectat Olympo.' Georg. i. 95.

noxia, according to Servius Sulpicius, signified 'damnum,' in the Tables, and *noxa*, 'peccatum,' though, in poets and orators, *noxia* had always the signification of crime or blame, ap. Fest. pp. 174, 175, M. *Duplionemve decerni* is the MS. reading of Pliny, N. H. xviii. 3, 12, for which Schoell acutely conjectures *duplione decidi*, i. e. 'make double compensation.' *Damnum decidere* is a regular legal term, occurring in a praetorian formula, Gaius, iv. § 37, cp. ib. § 45, as well as in the XII Tables, infra xii. 4, 'fructus *duplione damnum decidito*.' *Decidere*, in the sense of coming to terms, making a composition, is not infrequent in Cicero, especially in the phrase *decidere cum aliquo*, e. g. 2 Verr. i. 125, ii. 79; Pro Roscio Am. 114. Cp. Iuv. xii. 33, '*decidere* iactu coepit *cum ventis*.' The signification of giving a judicial decision appears to be derived from the other.

9 (10). *Arson*, if wilful, is made a capital offence, and is punished, according to the principle of talio, by death by burning.

10 (11). *arbores* is here generally understood to mean *arbores felices*, especially 'vines;' cp. the use of *arbustum* for a 'vineyard,' Hor. 1 Sat. vii. 29, 'expressa *arbusto* regerit convicia,' and Vergil, Ecl. iii. 10, 'Tum credo cum me *arbustum* videre Miconis | Atque mala *vites* incidere falce novellas.' Gaius tells us that a man who had a claim for *vites succisae* lost his cause, because he called them in the action *vites*, and not *arbores*, Inst. iv. § 11. In Cato, however, we find *arbustum* opposed to certain specific plantations, *vinetum*, *oletum*, and *salictum* (de R. R.).

11. *nox*=noctu, Gell. viii. 1. The case is doubtful: it has been explained as a contracted genitive=νυκτὸς, or as a locative plural, cp. νυξί. *Mox* is another adverb of similar form, but uncertain derivation. Cp. Ennius, Ann. xvi. 412 v., 'si luci, si nox, si mox, si iam data sit frux.'

faxsit, so Schoell. Macrobius' text reads *factum sit*. Cujacius emended *faxit*.

im=eum. Introd. xiii. § 27.

12. *Luci*, etc. A manifest thief by night may be killed, but by daylight, only if he defends himself with a weapon. In both cases a 'testificatio' is required, which the law expressed by *endoque plorato*. The best explanation of the law is by Gaius in the Digest, ix. 2, 4, § 1, 'Lex duodecim tabularum furem noctu deprehensum occidere permittit, ut tamen id ipsum cum clamore testificetur: interdiu autem deprehensum ita permittit occidi, si is se telo defendat, ut tamen aeque cum clamore testificetur.' This is rightly compared with the Mosaic law in Collat. M. et R. viii. 1. It runs thus, 'If a thief be found breaking up (perfodiens parietem *Coll.*), and be smitten that he die, there shall no blood be shed for him. If the sun be risen upon him, there shall be blood shed for him. (For) he should make full restitution; if he have nothing, then he shall be sold for his theft.' Exod. xxiii. 2, 3. It should be observed that the Mosaic law (and I believe the English), in dealing with thefts committed in daylight, does not admit the exception *nisi se telo defendit*, but protects the person of the thief more than the Roman. Other manifest thieves, we learn from Gellius, xi. 18, 8, could be

beaten and made slaves of the owner of the property, if they were freemen, while, if they were slaves, they were thrown from the Tarpeian rock. The nec-manifestus, on the other hand, was treated much more lightly, being only obliged to pay double the value of what he had stolen. Sir H. Maine remarks that the law here takes as its guide the measure of vengeance likely to be exacted by an aggrieved person—very severe while his blood was hot, very much less so in cool and sober reason. 'The principle is precisely the same as that followed in the Anglo-Saxon and other Germanic codes, when they suffer a thief chased down and caught with the booty to be hanged or decapitated on the spot, while they exact the full penalties of homicide from anybody who kills him after the pursuit has been intermitted.' Anc. Law, ch. x. 379 foll. In Gaius' time the manifest thief was let off with four times the value. For the form *luci*, which is probably an ablative, see Introd. x. § 16.

14. *lance et licio.* This was a method of making a search for stolen property, or pursuing a thief, which, if successful, placed him in the class of manifest thieves. The method is described by Gaius, Inst. iii. § 92, 'hoc solum praecipit (lex) ut qui quaerere velit nudus quaerat linteo cinctus, lancem habens; qui si quid invenerit iubet id lex furtum manifestum esse.' The *licium*, or linteum, was a linen girdle, the smallest dress possible, and the *lanx* was to be held in the hands, both, no doubt, in order to prevent anything being brought in by the searcher. A gloss on Iust. Inst. iv. 1, 4, says of the lanx, 'discum fictile(m) in capite portans, utrisque manibus detentus (? detentum).' A similar custom prevailed in Attic law, and is described by Plato, Legg. xii. 7, p. 954 A, *φωρᾶν . . . γυμνὸς ἢ χιτωνίσκον ἔχων ἄζωστος, προομόσας τοὺς νομιζομένους θεοὺς ἦ μὴν ἐλπίζειν εὑρήσειν*, and cp. Aristoph. Nubes 499, where, at the door of the Phrontisterion, Socrates says—

ἴθι νῦν κατάθου θοἰμάτιον. ΣΤΡ. *ἠδίκηκά τι;*
ΣΩΚ. *οὐκ, ἀλλὰ γυμνοὺς εἰσιέναι νομίζεται.*
ΣΤΡ. *ἀλλ' οὐχὶ φωράσων ἔγωγ' εἰσέρχομαι.*

But the absence of mention of the *lanx* makes it improbable that the custom was borrowed directly from the Athenians. [*Provide* is a misprint for *proinde*.]

15. *furtum concipere* is to *discover* a theft, and this would be the sense of the word 'concapit' in the difficult law Tab. vi. 7, 'tignum iunctum,' p. 524. It is rarely used of visual perception, as in Plautus, Poen. i. 2, 65, 'qui haec tanta oculis bona concipio.'

furtum conceptum (simply, i. e. not *lance et licio*) was subject to a triple penalty, Gaius, Inst. iii. § 119.

16. *adorat; 'adorare* apud antiquos significabat agere,' Fest. Ep. p. 19 M, i. e. causam agere. This means apparently, 'If a man pleads on his defence for a "nec-manifest" theft, he must compromise by paying double the value.' The amount is known from Gellius, xi. 18, 15, and Gaius, iii. § 190, and that a thief might make terms (*pacisci*) in such a case. Cp. Lex Iul. Mun. 110, p. 469.

17. *usu capi*, not of course by the thief, but by anyone to whom he sells stolen goods, Gaius, ii. § 49.

18. *Unciarium fenus.* The explanation of this term is one of the acknowledged difficulties of the law. We have no ancient interpretation of it, the only other

historical references to it being in the seventh book of Livy, who does not tell us the amount, and does not refer it to the decemvirs. The facts related by him are as follows. In v. c. 398—nine years after the passing of the Licinian laws—the tribunes, Duilius and Maenius, proposed a bill *de unciario fenore*, which was accepted with great readiness by the people (Liv. vii. 16). Apparently it had become obsolete in the interval since the decemviral legislation, we may conjecture, owing to the commotions of the Gallic invasion. Five years later the plebs was deeply encumbered with debt, and five commissioners, called *mensarii*, were appointed, who opened banks in the forum, and offered ready money to the people on security, or as a price for their land or cattle. (Liv. vii. 21.) This measure had some effect, but a further alleviation was soon after attempted, by reducing the legal interest by half to *semunciarium fenus*, and allowing payment to be spread over three years (v. c. 408, Liv. vii. 27, Tac. Ann. vi. 16). Nevertheless, but five years later usury was entirely forbidden by the Genucian laws, *ne fenerare liceret* (Liv. vii. 42, v. c. 413). From this time onward, perhaps till the time of Sulla, usury was legally prohibited to Roman citizens, though, no doubt, evasion of the law was constantly going on, and interest was at times enormous. At a later date, for instance (v. c. 559, Liv. xxxv. 7), we find Roman usurers trading under the names of Latins or allies, and so escaping the legal penalties. To do away with this subterfuge, the law of the tribune Sempronius put them, in this matter, on exactly the same footing as Roman citizens. In 665 = B. C. 89, the praetor Sempronius Asellio was murdered because he attempted to put the laws in favour of debtors into action. In connection with these disturbances we are, probably, to explain the law of the consuls of the next year, which Festus thus describes, p. 375, '*Unciaria lex* appellari coepta est, quam L. Sulla et Pompeius Rufus tulerunt, qua sanctum est ut debitores decimam partem . . . .' Rudorff is probably right in interpreting this of a reduction of debts 10 per cent., not of a limited rate of interest (on Puchta, § 261 *m*, q. v., Mommsen holds the latter, R. H. iii. p. 265). A certain Valerius Flaccus, two years later, even attempted a reduction of 75 per cent., but suffered in consequence (Vell. ii. 23).

We are ignorant by what steps the change took place, by which, from a complete prohibition of usury it came to be tolerated, and the legal, or at least usual, rate in the time of Cicero fixed at *centesimae*. This, at any rate, was the rate assigned by him, as it had been before by Lucullus, in his 'customary edict' as proconsul of Cilicia (ἑκατοστὴν ἐκέλευσε καὶ μὴ πλέον εἰς τοὺς τόκους λογίζεσθαι, Plutarch, Lucullus, 20, Cic. ad Att. v. 21, 11, cp. Mommsen, R. H. iv. pt. 2, p. 526). There can be little doubt that this was equivalent to 12 per cent. per annum, *centesima* being 1 per cent. per mensem, after the Greek and Jewish, if not the early Roman, fashion (cp. Nehemiah, v. 11). The only other passage that I am aware of in which this rate of usury is mentioned, is in a passage of Scaevola's Responsa, in the Digest, xxvi. 47, 4. The question there treated is whether tutors are justified in lending their wards' money, at a higher interest, on their own account, if the father has given them authority to borrow it at this rate, 'huius summae uncias inferre usurarum nomine,' 'to enter to the

credit of the estate $\frac{1}{12}$th per annum on account of interest.' Scaevola decides in the affirmative, if they have not lent in their wards' name, but in their own.

The rate of usury was much reduced by Justinian, in certain cases to $\frac{1}{3}$ of the centesima, in others to $\frac{1}{2}$, the full centesima being only allowed for bottomry (fenus nauticum). (Codex Iust. iv. 32, 26).

What, then, is *fenus unciarium*?

Uncia, the unit of division in the *as*, is used generally for the twelfth part of anything. Thus, *heres unciarius* is the heir to the twelfth part of an estate, etc. It is, therefore, acknowledged on all hands to be interest of $\frac{1}{12}$th; but this has been understood in several ways. (1.) $\frac{1}{12}$th of the centesima, or 1 per cent. per annum, which would be understood as a practical prohibition of usury. But it is evident that the *unciarium fenus* was nothing very small, but sufficient to create uneasiness, and, even when reduced to half its amount, was more than the plebeians could easily pay. The absurdity of this explanation is obvious, and besides, it rests on the supposition that the *centesima* was the normal rate of interest, whereas we hear nothing about it at so early a date, and the existing evidence goes to show that it was introduced from the Eastern provinces. (2.) Nor, again, can it be $\frac{1}{12}$th of the principal paid monthly, i. e. 100 per cent. per annum, which is as extravagantly large as the other is preposterously small. (3.) There remains only one other alternative, that the *unciarium fenus* is $\frac{1}{12}$th of the principal paid yearly, i. e. $\frac{100}{12}$, $8\frac{1}{3}$ per cent. per annum. This would, in fact, be far the most natural explanation, if it were not for the supposition that interest must necessarily be counted *monthly*. But on this we may remark that, though interest might be due monthly, it was not necessarily counted so, and, secondly, that in Attic law both a monthly and a yearly system were in vogue together, probably at this very time. The Greeks reckoned both ἐπὶ δραχμῇ, etc., i. e. a drachma a month in the mina, coming to 12 per cent. per annum; and by τόκοι ἐπιδέκατοι, ἐπόγδοοι, etc., i. e. $\frac{1}{10}$th or $\frac{1}{8}$th per annum = 10 p. c., $12\frac{1}{2}$ p. c., etc. The latter rate was common in the time of Demosthenes, but apparently was thought somewhat low. At the time of the XII Tables it was probably higher. (See the references in Smith's Dict. of Antiquities, s. v. *Fenus*.)

This being the case, *unciarium fenus* will mean at this period $8\frac{1}{3}$ per cent., sufficient to be considered a fair legal rate of interest, considering the difficulties of obtaining money and the contemporaneous rates in Greece, and yet high enough to cause difficulty to plebeian debtors. The Genucian law for the abolition of interest altogether was one of those wild schemes of reform which we can scarcely understand without a closer experience of the circumstances which made usury and all its associations unbearable. We must remember, however, that even in Greece, where such measures were impossible, the philosophic mind of Aristotle condemned usury altogether as an unnatural use of money (Arist. Pol. i. 3, 23). Nay, even as late as our own Reformation, it was forbidden in that proposed code, which would have become law but for the untimely death of Edward VI—the *Reformatio Legum*.

Those who interpret the note of Festus on the *unciaria lex* of Sulla as referring to interest, follow Niebuhr's ingenious explanation of *decimam partem*, viz. that

$8\frac{1}{3}$ p. c. per annum for the old year of 10 months = $\frac{1}{10}$th or 10 p. c. per annum for 12 months. (So Mommsen, iii. p. 267.) But we have already seen that another explanation is to be preferred.

19. This is adduced in the *Collatio* to illustrate the law of Moses, Exod. xxii. 7, 8.

21. *Sacer esto.* Bruns suggests the insertion of *Diti patri* from the law of Romulus, ap. Dion. H. ii. 10, about *patroni*, Ἔνοχος ἦν τῷ νόμῳ τῆς προδοσίας, ὃν ἐκύρωσεν ὁ Ῥώμυλος, τὸν δὲ ἁλόντα τῷ βουλομένῳ κτείνειν ὅσιον ἦν ὡς θῦμα τοῦ καταχθονίου Διός. The sanction *sacer esto* was one of those religious penalties which in time acquired a civil meaning. Cp. Leges Regiae, i. 10 and 12, and the tribunician Lex Sacrata quoted under no. 8. At first, indeed, it implied the idea of actual sacrifice. Macrobius remarks that while consecrated animals were sent beyond the bounds of the country, with regard to men 'animas quas sacras in caelum mitti posse arbitrati sunt viduatas corpore quam primum ire illo voluerunt' (Saturn. iii. 7. 3. Cp. Serv. on Aen. x. 419). Then it became unlawful to put such a man to death at the altar, though he might be killed without the guilt of murder (Fest. p. 318, 'neque fas est eum immolari,' cp. the law quoted by Livy, iii. 55). He was, in fact, outlawed, forbidden fire and water, and his goods sold by auction and consecrated. The *consecratio bonorum*, which is frequently found by itself, was a religious action, 'contione advocata, foculo posito, capite velato, adhibito tibicine, verbis priscis et solennibus.' (Cic. pro Dom. c. 47, 48, and see more in Marq. iii. p. 229.) In later times he was no doubt permitted to go into exile, the means allowed to citizens under the Republic of escaping civil or actual death. For a similar change from human sacrifice to exile, compare what is said of the *ver sacrum*, the vow made by an Italian tribe under great danger or to avert a pestilence, etc. The fruits and animals produced in the consecrated months were consumed in sacrifices, the children were allowed to grow up till they reached maturity, and then sent out with their heads covered, *velati* (like the devoted general), to seek their fortunes in a foreign land (Fest. Epit. p. 379. Cp. Fest. s. v. *Mamertini, Sacrani*). The Romans, when making such a vow, with their usual prudence in religious matters, restricted it to animals (Liv. xxii. 10, xxxiii. 44). On the connection of these usages with Latin religion generally, see Mommsen, Bk. i. ch. 12 (vol. i. p. 180, E. T.)

The word *sac-er* is derived, according to Benfey and Pott (Wurzel-Lex, s. v.), from the same root as ἕπομαι and *sequor*, in the sense of 'respect.' From the root *sap*, *sak*, are further derived in Latin *prae-sep-e*, *sep-elire*, *as-sec-la*, *socius*, etc., see Corssen, ii. pp. 153, 154. It has occurred to me, as a conjecture, though I would not lay stress upon it, that *sacer* might be rather connected with the same root as *sacena* (dolabra pontificis), *seco*, *secespita*, etc., in the sense of something 'cut off,' 'especially dedicated.' Cp. τέμενος, *templum*, etc. This would certainly agree with the sense of *sacer esto*, implying consecration by cutting off from the body of citizens. [Compare perhaps the Mosaic sanction, ἐξολοθρευθήσεται ἐκ τοῦ λαοῦ.] *Sanctus* is no doubt from the same root as *sacer* nasalised, and has apparently a somewhat different connotation, meaning something defined and made clear, whether by law or otherwise, hence unalterable, inviolable, holy. *Sacro-sanctus*, then, means

what is made *sacer* by law; while *sanctio* naturally implies any legal fixing or determination, generally the penal clause or clauses of a law. See on Lex Repet. 55, p. 436.

22. *testarier* is here evidently passive, not deponent, 'to be called as a witness.' So Prisc. viii. p. 797, P. '*testo* pro testor,' and the participle *testatus* in passive sense. *Libripens*, in a mancipium, especially a will, see on v. 2. *Fariatur*, MSS. Schoell reads *fatiatur*: see above, p. 511, §§ 4, 6. *Inprobus*; cp. the sanction of a Lex Valeria de Provocatione in Livy, x. 9, 'inprobe factum.' We can hardly doubt that in both cases some civil disability was really implied, though Livy conceives it as a merely moral censure. *Intestabilis*, 'incapable of acting as witness or testator,' involved certainly a partial ἀτιμία of a substantial kind, considering the Roman dislike of intestate succession.

24. *Si telum*: a good instance of the sudden change of grammatical subject, the nominative to *iecit* being of course understood as the holder of the *telum*.

The penalty for voluntary homicide is not clearly known, that it was not absolutely death appears from Pliny's statement that nocturnal depasturing, etc., was visited more severely. See above, fr. 8. It was probably *sacratio capitis*. See on the *leges regiae*, 8 and 9, where the substitution of a ram in cases of involuntary homicide is referred to Numa.

25. *venenum malum*. So the Lex Cornelia in Cic. pro Cluent. 53, 148, below, p. 274, 'qui venenum malum fecit fecerit.' *Venenum* was evidently at first a word of indefinite import (like our *poison* from *potion*), which has got a bad sense. Cp. the formula *dolus malus*, and our proverb, '*ill* weeds grow apace,' for similar cases of an old usage of words that have later got a bad sense fixed to them.

26. The genuineness of this fragment is doubted by Schoell, see Proleg. p. 46, as it is only mentioned in this declamation, together with a Gabinian law else unknown.

27. See above, Comparison, § 2, p. 507. On the restrictions on such collegia, see Mommsen, de Colleg. et Sodal. p. 35 foll. There seems to be a reference to some such restrictions contained in the XII Tables (perhaps in connection with the preceding fragment) in Plautus, Captivi, 489, 490—

> 'Nunc *barbarica lege* certumst ius meum omne persequi
> Qui *consilium iniere* quo nos victu et vita prohibeant,'

where the parasite is speaking of the conspiracy of the young men not to ask any of his profession to dinner. See Brix's note.

TABLE IX. *Ius Publicum.*

1. *Privilegium*, a law relating to a single citizen—whether in his favour or the reverse: here particularly the latter. *Comitiatus maximus*, the centuriate comitia, as including all citizens, which the c. tributa perhaps did not. Cp. pp. 507, 508.

4. *quaestores parricidii*. See on Leg. Reg. 8, 11, pp. 501, 502.

TABLE X. *Ius Sacrum.*

1. *Hominem mortuum*. In the most ancient times it was customary to bury not only inside the city but in the immediate neighbourhood of the house, and even in

the house itself. Serv. ad Aen. v. 64: 'Sciendum etiam quod domi suae sepeliebantur: unde est orta consuetudo ut Dii Penates in domibus colantur.' Id. vi. 162: 'Unde ortum est ut lares colerentur in domibus. Unde etiam umbras larvas vocamus.' For the connection of this practice with the worship of dead ancestors, see De Coulanges, La Cité Antique, ii. 6, p. 68, etc. Servius has another note relating to this matter on Aen. xi. 208: *urbique remittunt*, 'nam ante etiam homines in civitate sepeliebantur, quod postea Duellio consule Senatus prohibuit et legavit nequis in urbe sepeliretur. Unde imperatores et virgines Vestales, quia legibus non tenentur, in civitate habent sepulcra. Denique etiam nocentes virgines Vestae licet vivae tamen intra urbem in campo Scelerato obruebantur.' For other references, see Marquardt, Privatalterthümer, p. 362 note. The whole section 'das Begräbniss' is excellent.

ne sepelito neve urito. We find here burying and burning put together as natural alternatives, and as such they always continued to be in Rome till the diffusion of Christian ideas drove out the custom of burning which had come to be identified with heathenism. In the second century we find a heathen complaining of the Christians, who, on the ground of their hope of resurrection, 'et execrantur rogos et damnant ignium sepulturas' (Minuc. Felix, Octav. 11, 4, c. 150–180 A.D.). At the end of the fourth century Macrobius, though a heathen, writes, 'urendi corpora defunctorum usus nostro seculo nullus,' Sat. vii. 7, 5. The two customs at first probably belonged to different nationalities, and Grimm has plausibly assigned the one to agricultural and the other to nomadic people (Marquardt, p. 375 note, where see other references). Burial indeed appears to belong to a different idea of religion—among heathens to the worship of the great mother the earth and of the spirits of dead ancestors, who protect the family dwellings, the consecrated precincts of the temples, and the soil of the fatherland in general. Among Christians it has been hallowed by the symbolic language drawn from planting seeds in the ground to be transformed in a new life, and by the general increase of respect for the body engendered by a new hope of resurrection. Burning connects itself very naturally with a philosophical pantheism engrafted upon fire-worship, and with theories of the emanation and reabsorption of souls. As this was the general tendency of heathen culture from the Christian era downwards it was natural that Christians should have a prejudice against cremation, which they justly associated with it. And in fact this natural association of ideas is the chief argument against the re-introduction of the system of burning the dead.

In Rome there is every reason to believe that inhumation was the original practice, and traces of it are found even in the rites for burning. The essential ceremony was *glebam in os inicere* (Cic. de Leg. ii. 22, 57), and it was a sin requiring expiation not to throw a handful of earth upon an unburied corpse (Hor. Od. i. 28, 43 fol., Fest. Epit. p. 223, etc.). The antiquity of burial in Latium is further shown by the discoveries in the Praenestine sepulchre (C. 74 foll.). Sulla, we know, was the first of the Cornelii who was burned, and we have still the sarcophagi of the Scipios (see Elogia Scipionum, p. 395). Burial was also practised in Greece, though burning was generally much more common; see for an instance the words of Socrates, Phaedo, p. 115 E. Burning when introduced at

Romae had no doubt the double recommendation of being a sanitary measure, and of reducing very much the space necessary for burial places.

2. *ascia*, an axe or adze. The rogus was sometimes built up in the form of an ara, adorned with painting and surrounded by cypresses. (Marq. p. 377. See Serv. ad Aen. vi. 177, 'aramque sepulcri,' Ov. Trist. iii. 14. 20, 'funeris ara mihi ferali cincta cupresso,' etc.). *Ascia* is evidently cognate with ἀξίνη, Eng., 'axe, hack, hatch, hatchet.' It is used in another sense in reference to burials in the formula *sub ascia dedicavit*, or the like (Orell. Inscr. 248, 4464 sq.) of dedication of an unfinished sepulchre, while still 'under the mason's trowel,' to preserve it from violation.

3. *carmen necessarium*. So Livy, i. 19, 'lex horrendi carminis,' and i. 32 of the fetial's message, iii. 64, 'rogationis,' x. 38, an oath. See above, p. 508, and Teuffel, Rom. Lit. § 51, who says, what appears to be near the truth, 'In the oldest times everything beyond a mere register that was put in writing had no doubt a certain rhythmical form, and was so far a carmen;' and the references there to the modern controversy on the subject. There is no reason to suppose, however, that the 'rhythmical form' can be reduced to any distinct type of metre, as Ritschl and others have attempted to do with scanty success.

ricinium, cognate with *rica*, *ricula*, *pro-ric-ere*, O. H. G. *reihh-an*, M. G. *reihen*, *reichen*, Eng. *reach*, etc., and signifying 'extended, spread out:' hence a woman's mantle or toga. Corssen further connects with this root *lic-eri*, *pol-lic-eri*, *lic-et*, *pol-luc-ere* (i. 500). This being an antique dress, came to have a sort of ceremonial importance as a mourning garment, so 'riciniis lugere' of women. Varro, Vit. P. R. iii. ap. Non. p. 349 M. v. *pullus*. It was probably worn by the *praeficae* or hired female mourners, who were employed 'usque ad Poenicum bellum.' (Varro, de Vit. P. R. iv. ap. Marq. p. 358.) It was worn also by *mimes*, who likewise attended a public funeral, as well as a triumph. Marquardt supposes these *ricinia* were thrown on the pyre (p. 378, n. 2431), see on fr. 6.

clavus is anything long, stretched out: hence the meanings of nail, handle of a rudder, and, as here, stripe. The other sense of tumour, wart, is probably an idea taken from the head of a nail standing out on the surface. It may be connected perhaps etymologically with *cal-amus*, *cel-sus*, etc. The *stripe of purple* would be on a male dress. [*Claro* in the text is a misprint for *clavo*.]

decem tibicinibus. The flute-players went at the head of the procession, and were followed by the praeficae singing the *naenia*, then came the dancers and mimes, then the persons wearing the imagines or wax-masks of the dead ancestors who had borne office, each on a separate carriage, with a separate array of lictors (see esp. Polyb. vi. 53), then the bier borne by sons, near relations, or slaves freed in the testament, then the other kinsmen and friends. The musicians at a funeral were called in general *siticines*, said to be from *situs* and *cano*. (Gell. xx. 2, 'qui apud sitos canere soliti essent, hoc est vita functos et sepultos').

4. *Mulieres genas*. Cutting of the flesh and hair was a common form of mourning, especially in the East. As connected with the worship of Adonis, and otherwise leading to excess and fanaticism, it was forbidden in the Mosaic law, Lev. xix. 27, 28, etc., but in later times it seems to have been reintroduced. See Jerem.

xvi. 6, 7. Similarly this and other such prohibitions were not observed with any strictness at Rome. Cp. Propert. iii. 13, 27 :—

> 'Tu vero nudum pectus lacerata sequeris,
> Nec fueris nomen lassa vocare meum.'

Serv. ad Aen. iii. 67, 'Varro dicit mulieres in exequiis et luctu ideo solitas ora lacerare, ut sanguine ostenso inferis satisfaciant.'

lessum. 'Thetis quoque etiam in lamentando lessum fecit filio,' Plaut. Truc. iv. 2, 18. Cicero, de Leg. ii. 23, 59, explains it as = lugubris eiulatio 'ut vox ipsa significat.' It would seem therefore to have been like our *alas!* Cp. the Phoenician and Hebrew cries Hoi Adon! Hoi lanu! etc.

5. *Homini mortuo ne ossa*, etc. This passage is explained by Marquardt, p. 377, note. It was the custom to keep up the time of mourning by preserving unburied some part of the corpse (*os resectum*, e. g. a finger, Fest. Epit. p. 148), for till that was covered the family remained *funesta*. The reason for it may have been perhaps a religious scruple among the conservative portion of the community as to whether the more recent fashion of burning was a sufficient ceremony. The *os resectum* was always inhumed. See Varro, L. L. v. 23. Cp. Cic. de Leg. ii. 22, 55, 'neque necesse est, edisseri a nobis, qui finis funestae familiae, quod genus sacrificii Lare verberibus fiat, quemadmodum os resectum terra obtegatur.' [For *Lare* see Introd. x. § 15.] But in cases of death in war, or in a foreign country, the law allowed a limb to be brought home, as was done, for instance, with the head of Varus, Velleius Pat. ii. 119, 5.

Of course the law did not forbid the usual custom of collecting bones and ashes after burning (ossa legere), and the placing of the urn in which they were in a tomb (componere, condere), which took place some days afterwards. Cp. the epitaph found at Puteoli, C. I. L., p. 210 a. 'Chrematine | Numisiae ornatrix | obieit . vi Eidus . Octobr. | Paullo . Fabio . Maximo . Q . Aelio || cos. (U.C. 743) | ossua . conlecta . iv . idus Oct. | eisdem cos. | Diaphyrus . conservae.' Cp. Tibullus, El. iii. 2.

6. *servilis unctura*, etc. This refers to the various costly things, such as the dead man had possessed or valued in life, as dresses, ornaments, weapons, but especially valuable unguents and perfumes, thrown upon the pile just before it was kindled. Cp. the description of the funeral of Glaucia, Stat. Sylv. ii. 1, 157 foll. :—

> 'Quid ego exequias et prodiga flammis
> Dona loquar, maestoque ardentia funera luxu;
> Quod tibi purpureo tristis rogus aggere crevit:
> Quod Cilicum flores, quod munera graminis Indi
> Quodque Arabes, Phariique Palaestinique liquores
> Arsuram lavere comam? cupit omnia ferre
> Prodigus, et totos Melior succendere census.'

7. *Qui coronam parit*, cp. Serv. ad Aen. xi. 80. 'Skeletons with golden crowns on their heads have been several times found in Etruscan and other Italian tombs.' Marq. p. 354, note.

On *arduitur* see above, on Style, § 4, 6, p. 511.

The reading of the text is, probably, not quite correct. Schoell, comparing the

words of Cic. de Leg. ii. 24, 60, 'coronam virtute partam et ei qui peperisset et eius parenti sine fraude esse impositam iubet,' reads '*honoris* virtutisve ergo, *si arduitur ei parentique eius, se fraude esto.*'

8. *lecti*, etc. This Schoell transposes, and places after frag. 5. The *lectus* is probably, here, the couch or bier on which the dead man was laid. Cp. Quint. vi. 1, 31, of Julius Caesar, 'corpus denique ipsum impositum *lecto* erat,' and Tib. El. i. 1, 61—

'Flebis et arsuro positum me Delia *lecto*.'

9. *dentes*. This may seem to show a pretty high antiquity for the art of dentistry, but I believe Egyptian mummies of early date have been found with false teeth in them 'joined with gold.'

10. *bustum* is the place where a person is burnt and buried, *ustrinum* is a burning place separated from the tomb. See Fest. Epit. p. 32, and Serv. ad Aen. xi. 201, emended by Muller there. Corssen derives *bustum* and *com-buro* from a different root from *uro*, the first being cognate with Sk. *prush*, 'to burn,' cp. *pruna* (i. 127, ii. 1004), the second with the well-known root *us*, 'to be bright,' 'burn,' and with *Aur-ora*, *Aus-ter*, *aur-um*, *ur-tica*, *ur-na* ('vessel of burnt clay,' i. 349).

Table XI. *Supplement.*

1. *conubia*. This prohibition was in all probability no new idea, but merely a declaration of custom which was breaking down. The X Tables, very probably by making all kinds of transactions by mancipium easy, had rendered marriage by coemptio possible between patricians and plebeians (see note on vi. 4). Before that time marriage must by custom have been restricted to persons possessing a gens. Livy expressly tells us that the arguments urged against the Canuleian law were religious. Liv. iv. 2 and 6.

2. *de intercalando*. The method of intercalation was to add in every alternate year an intercalary month, first of 22 days and then 23 days, so that 45 days were added in four years. This took place between the 23rd and 24th of February, the Terminalia and Regifugium. (Censor. D. N. 20. 6, Macrob. Sat. i. 13, 12, and 15.) The year at that time consisted of 355 days, so that four years, together with the two intercalary months, consisted of 1465 days, or 4 days too much (four Julian years = 365 × 4 + 1 = 1461). The matter was then committed to the pontifices, who, according to Censorinus, intercalated at pleasure 'ob odium vel gratiam,' so that Julius Caesar, when he corrected the calendar, had to make a year of 445 days (Censorin. D. N. 20, 4–8).

Mommsen concludes from this passage, and especially from Cicero, ad Att. vi. 1, 8, speaking of Flavius, the scriba of the great censor Appius, great grandson of the Decemvir, 'Quid ergo profecit quod protulit fastos? occultatam putant quodam tempore istam tabulam, ut dies agendi peterentur a paucis,' that the actual calendar formed part of the Tables. Cp. Liv. vi. 1, who says that when the Tables were looked up after the Gallic conflagration, the pontifices suppressed 'quae ad sacra pertinebant . . . ut religione obstrictos haberent multitudinis animos.' Schoell has ventured to carry out this idea by subtracting from the Julian Calendar the days added by Caesar, viz. those marked with a * in the table in chap. iii, and by conjecturing the note of the new feasts marked with a †.

Table XII.

1. *pignoris capio* = 'distress,' the act of a private person previous to the commencement of an action; *pignoris captio*, gen. = 'execution,' the act of the executive following judgment. *Pignoris capio* existed by custom, Gaius tells us, in military matters. A soldier could distrain for payment of his aes militare, aes equestre and aes hordearium. In matters of religion, as here, it was introduced by the Tables. In matters of revenue it was given to publicani by the Lex Praediatoria. A set form was used in all cases; but the act was distinguished from other legal actions by being performed 'extra ius,' and on any day, nefastus or otherwise. Gaius, iv. §§ 26–29, ed. Poste. Cp. above on iii. 6, 7.

2. *noxit* is here a very probable conjecture for *nocuit*. The paterfamilias was obliged either to make restitution for his son's or slave's misconduct, or he might get quit of the obligation by surrender of his person (noxae dedere). The action against a paterfamilias was called *noxalis*; on which see Gaius, iv. §§ 75–81, and Mr. Poste's notes. The Romans made use of the principle of noxae deditio (which may have once extended to covenants as well as delicts) to get rid of the humiliating treaty of the Caudine Forks, by surrendering Postumius to the Samnites (Liv. ix. 10). This was done by a fetialis, doubtless by the pater patratus, who represented the patria potestas of the kingly office. See on the fetiales and the similar case of Mancinus, p. 552. The formula in the case of Postumius is given in the text, p. 278; it contains the words *noxam nocuerunt*.

3. *vindiciam falsam tulit*, 'made a false claim,' 'obtained temporary possession of an object which afterwards proves not to be his,' as in the Actio Sacramenti. See on ii. 1, p. 517. The word elsewhere appears generally in the plural, but we have *vindicia* in Gell. xx. 10, 8. *Fructus damnum* = compensation for its ad interim retention.

Fragments of Uncertain Position.

1. The MS. of Festus reads *nancitor*, but *nanxitor* is a correction generally received. This form would be a second future deponent or middle, somewhat parallel to *mercassitur*, etc. I am inclined, however, to think that we should retain *nancitor* = nancitur as a present indicative of an obsolete deponent, of which *renancitur*, in Fest. p. 277, is another instance. See above, p. 511, bottom, and Corssen's long note, ii. p. 400 foll.

2. *quandod* is perhaps the form intended, which would thus have an ablative termination, such as is preserved in *sed*, and no doubt was attached to *pro*, *de*, *re*, etc.

4. *dolo malo*. See on viii. 25, p. 533.

6. *iureiurando*; perhaps in the Actio Sacramenti. See on ii. 1, p. 516.

8. *meridies* is however found, i. 7, 8.

9. *asses*, i.e. librales. *dupondii*, 'pieces of two asses.' *quadrantes*, i.e. teruncii. On the introduction of coinage by the decemvirs, see on ii. 1, p. 516, bottom. Observe that no mention is made of sesterces. Cp. viii. 3, p. 527.

11. *detestari* is to make a solemn announcement, especially a renunciation, e.g. the *detestatio sacrorum* made at the comitia calata on arrogation, Gell. xv. 27, 3.

Cap. III.—TABULA FASTORUM. Pp. 266–271.

Introductory Note on the Calendar.

The origin of the Roman Calendar and its divisions is a most obscure and complicated subject, about which much has been written without very clear and settled results. A discussion of it may therefore be omitted in a book like the present. The following books may be referred to: Th. Mommsen, Die Römische Chronologie bis auf Caesar, Berlin, 1858–1859; C. I. L. i. Fasti Anni Juliani, pp. 293–412; Huschke, Das altromische Jahr,; Lange, Röm. Alt. i. pp. 303–316. For a popular account see Mommsen, R. H. i. pp. 218–220, 488.

The Tables here given are from the most complete Calendar of the Julian year existing on stone, supplemented from others, of which there are nineteen in a more or less fragmentary condition. The *Fasti Maffeiani* were engraved on stone between the years 746–757 V. C. Where they were found is unknown, nor do they now exist. They were for some time in the Farnese palace at Rome, and derived their name from its owners, the Maffei. A small fragment is supposed to be now in the Capitoline Museum. (Mommsen, C. p. 303.)

The general body of the Fasti, deducting the days added by Julius Caesar to prevent the need of an intercalary month, and omitting the explanatory remarks (which are not given here), is perhaps the oldest monument of Roman history—the very calendar attributed to Numa (l. c. p. 362 b). It has been concluded, with some probability, that none of the festivals mentioned in it are of later origin than the expulsion of the kings (l. c. p. 376, where see further).

The general term Fasti is no doubt originally applicable only to this calendar, though afterwards given also to the annual registers and chronicles of events. It means, in fact, a list of the days on which it is *fas* to do public business with the people, or in the Law courts, of the days on which sacrifices ought to take place. Hence the importance to the Pontifices of keeping the knowledge of the Calendar to themselves. See on XII Tab. xi. 2. Under the empire it became the practice to introduce into the Calendar records of the emperor's doings. The first known instance is that of the offer of the crown to Julius, Cic. Phil. ii. 34, 87. Cp. Tac. Hist. iv. 40, and the Corpus, p. 377 *b*, and notes to March 6 and 27, Aug. 2 and 9.

The signs used in these Fasti are the following:—(1.) Those recurring weekly. (2.) The monthly divisions. (3.) The signs attached to particular days.

(1.) The Roman year was divided into *weeks of eight days*, called *nundinae*, denoted in the calendar by the recurring alphabetic cycle A–H, which has been simply transferred to our own with the omission of the last letter. The first days of these weeks were used by the country people as market-days, and, according to Dionysius, for the meetings of the concilia plebis (R. A. vii. 58), and were consequently at first *nefasti*, as it was forbidden to interrupt the tribunes and people in their assemblies (Fest. p. 173). This, however, was altered by the Lex Hortensia, V. C. 467, which made them *fasti* (Macrob. Sat. i. 16, 30). At the time of the Julian reform, no doubt, they had lost their importance. Cp. on S. C. Bac. l. 22, XII Tab. iii. 5, 6 for other usages relating to *nundinae*.

(2.) *The monthly divisions.* The following is Mommsen's account of the names of the months: 'The Roman year began with the beginning of spring; the first month in it, and the only one which bears the name of a God, was named from Mars (*Martius*), the three following from sprouting (*Aprilis*), growing (*Maius*), and thriving (*Iunius*), the fifth, and onward to the tenth, from their places in the order of arrangement (*Quinctilis, Sextilis, September, October, November, December*), the eleventh from opening (*Ianuarius*), with reference probably to the renewal of agricultural operations that followed mid-winter and the season of rest, the twelfth, and in an ordinary year the last, from cleansing (*Februarius*). To this series . . . there was added in the intercalary year a nameless labour month (*Mercedonius*), at the close of the year, or after February (R. H. i. p. 218),—more exactly after the 23rd of February, between the Terminalia and Regifugium. From the repetition of the latter (a. d. vi. Kal. Mart.) in the Julian calendar in leap-year we get our term *bis-sextile*[1]. The problem of the ancient calendar makers was to make the lunar and solar year coincide, so as to keep the changes of the moon on the right days of the month, and to have the natural year of the right length. This was really an impossibility; but the changeable arrangement of nones and ides was probably at first intended to effect it. The *kalends*, or first of every month, is to be explained as the day on which proclamation was made as to the falling of the nones and ides. The pontifices summoned the populus on the Capitoline to the *curia Calabra*, and made their announcement after sacrifice to Iuno Lucina, addressing the moon goddess, *Dies te quinque calo Iuno Corella*, or *Septem dies te calo Iuno Covella*. The calends ought then to be the first day that the new moon appears visible, the nones the day of the first quarter. (Cp. Preller, Röm. Myth. p. 242). The *idus* are perhaps the dividing day, the half of the month, and are always eight days after the *nones*. The explanation of the term *nonae* is very uncertain; it may be conjectured to be merely an abuse of the term, which is the same as *nundinae*, in the sense of 'week,' signifying the first week of the month, just as we use 'month' to signify a changing period of 28, 30, or 31 days, not only that of the lunar cycle.

(3.) *The signs attached to particular days* are of two kinds, (*a*) general notes of legal and religious import, (*b*) notes of particular festivals.

(*a*). *General Notes of Legal and Religious import.*

Of these there are eight (Mommsen, C. p. 367).

1. F = *fastus*, days on which it is allowed lege agere, and on which the praetor can pronounce the legal judgments, 'do, dico, addico.' Varro, L. L. vi. 29, 30, and 53, followed by Ovid and Macrobius. But it is not lawful to hold the comitia on these days.

2. F. P. only found attached to August 19 in the Tab. Maffeiana and Amiternina; its meaning is uncertain, but is perhaps = no. 6, q. v.

[1] It may be worth remarking that not only the name bissextile, but the ancient mode of intercalating a day, is preserved in the Roman church. 'In anno bissextili Februarius est dierum 29 et festum Sancti Mathiae celebratur 25 Februarii [instead of 24] et bis dicitur sexto Kalendas id est die 24 et die 25.' Note in the Roman Breviary.

3. Q(uando) R(ex) C(omitiavit) F(as), on March 24 and May 24, i.e. fastus after the Rex Sacrificulus has been to the Comitium, Varro, vi. 31, Fest. p. 259. It was sometimes wrongly referred to the Regifugium.

4. Q(uando) ST(ercus) D(elatum) F(as), on June 15, i.e. fastus after the rubbish has been cleansed from the temple of Vesta. This was the end of the festival of Vesta, beginning June 7th. Varro, l. c. 32, Fest. pp. 258, 344, Preller, Myth. p. 543.

5. N = *nefastus* (tristis), on which neither legal nor political business is allowed, owing to some supposed misfortune or ill omen connected with the day.

6. NP ordinarily, or NF in the fasti Pighiani = *nefastus* (hilaris), i.e. nefastus on account of some festival. Festus (p. 167) alone has an explanation of the term, which is unfortunately only mutilated: 'Nep. [nota distincti eorum hila]riores sunt, q[uoniam a malo omine] liberati sunt: unde . . . . unt et in provin[cias proficiscuntur] . . . . instituta fiunt . . . . et aedes sacrari so[lent].' Mommsen explains it as altered from an old form of N with four strokes, retained as a distinctive mark for *nefastus* in a different sense from the ordinary one, comparing the old initial *M* for Manius. But there is no other trace of this N in Latin, and the NF of the fasti Pighiani wants explanation, consequently Lange conjectures that NP is only a tachygraphy for NF, which may have meant *nefastus fastus*. (R. Alt. i. p. 309). The old explanation was *nefastus prior*, or *nefastus principio*, or *nefastus parte*, and though proposing another solution, he considers this right in principle, holding that the NP days were only *nefasti* during the time of the particular sacrifice of the holiday. In this way he would distinguish them from *dies endotercisi*, which were fasti in the middle, and the Q. R. C. F. and Q. S. D. F. which were nefasti till a certain hour. On the other hand, I must remark that *nefastus fastus* would be a curious expression, and the idea of Lange about the limit to particular hours is quite conjectural. Believing that his identification of the signs NP and NF is most probable, I would suggest *nefastus feriatus* (or perhaps *festus*) as a better solution, inasmuch as these days were different from the other *nefasti*, exactly because they were *dies feriati*, not tristes. NP is in fact the ordinary note for a festival.

7. EN = *endotercisus* or *intercisus*; see Fast. Praen. ad Ian. 10. Varro, L. L. vi. 31, 'intercisi dies sunt per quos mane et vesperi est nefas, medio tempore inter hostiam caesam et exta porrecta fas.' Eight days are so marked.

8. C = *comitialis*, marking all other days, on which it was lawful both lege agere and cum populo agere, to decide law-suits and to hold the comitia. Macrob. Sat. i. 16, 14; cp. Varro, l. c. 29.

(*b*). *Notes of Particular Festivals.*

These festivals cannot be described here at length, as information about them is easily accessible. On their antiquity see Mommsen, C. p. 376, who remarks that none are of later date than the expulsion of the kings, that most of them are referred to the age of Romulus and Numa, and that the explanations which refer others to a later date are of slight authority. The negative argument, too, from the absence of festivals of the later regal period, is important, e.g. the tigillum sororium (Oct. 1), connected with Tullus Hostilius, of sacrifices to Jove, Juno,

and Minerva, ordained by Tarquinius Priscus, of the dedications to Diana and Fors Fortuna, by Servius Tullius and others. Nor is there a single Greek name, which is certainly remarkable, considering the early introduction of the worship of such gods as Apollo and Hercules.

Jan. 9. *Agonalia*, or *agonia*. *Agonium* is a general name for a sacrifice, and *agonia* (fem.) for a victim, cognate with *ag-ere* (Corss. i. p. 369, see Fest. p. 10, Varr. vi. 12, 14). This particular festival appears to have been a sacrifice of a ram to Janus, made by the king.

Jan. 11. *Carmentalia*, from Carmenta, generally called mother of Evander. Others speak of two *Carmentes*, Porrima or Prorsa, and Postverta (Gell. xvi. 16) who were worshipped at the Porta Carmentalis under the Capitol. *Carmenta*, or *Carmentis* (carmen), was a prophetic goddess, as well as a goddess of child-birth. See Preller, Myth. p. 357 f. This day was also sacred to Diuturna or Juturna.

Jan. 15. *Carmentalia*, generally said to be a festival instituted by the Roman ladies under the Republic, when the right of riding in carriages was restored to them (Varro, Ovid, etc.). Mommsen prefers the explanation in Fast. Praenest. (which he ascribes to Verrius), which refers to the capture of Fidenae, probably under the kings.

Feb. 15. *Lupercalia*, a festival (says Mommsen) introduced to mark the lustration of the Palatine city, and dedicated to the god Lupercus (lupus arceo) or Faunus, the protector of the flocks from the attack of wolves. Hence the name of the month Februarius, from *februare*, 'to purge,' or 'lustrate' (Varro, vi. 13, etc.). As a prelude to this lustration all preceding days (except the ides) were nefasti.

Feb. 17. *Quirinalia*, said to be the death day of Romulus; the sacrifice took place on the collis Quirinalis.

Feb. 21. *Feralia*. The commemoration of dead relations, or Parentalia, began on the ides, and continued to this day. Varro says, 'Feralia ab inferis et ferendo quod ferunt tum epulas ad sepulcrum, quibus ius ibi parentare' (L. L. vi. 13). Corssen connects it with the same root, but rather in the sense of carrying to burial, supposing a Latin word **fĕr-a* = a bier. Cp. May 9th, and the inscription C. 1313.

Feb. 23. *Terminalia*, the festival of Terminus, i. e. of the various boundary stones, all of which had a sacred character. They were inaugurated, at first, with the following ceremony. A hole was dug by which the term was placed, anointed and crowned with garlands (for the anointing see on Carmen Arvale, p. 387). The blood of a victim was then poured on the bottom of the hole, and the victim itself burnt in it, then the stone was set up on the hot ashes, other gifts having been already thrown into the hole. (Siculus Flaccus, de Condicionibus Agrorum, p. 441, ed. Lachm.) The Terminalia are well described by Ovid, Fast. ii. 639–684. After this day the intercalations took place, see above, p. 537.

Feb. 24. *Regifugium*. This is best explained by a passage of Plutarch, Quaest. Rom. 63, *ἔστι γοῦν τις ἐν ἀγορᾷ θυσία πρὸς τῷ λεγομένῳ Κομητίῳ πάτριος, ἣν θύσας ὁ βασιλεὺς κατὰ τάχος ἄπεισι φεύγων ἐξ ἀγορᾶς*. Cp. also the note of Verrius Flaccus to March 24th, Q. R. C. F, which, he says, many wrongly explain of the

expulsion of Tarquinius, who, however, did not fly from the Comitium. It seems also from the fragment of Festus, p. 278, that the pontifices and Salii took part in the sacrifice. A similar ceremony, to which Roman antiquaries sought to give a historical meaning, was the *poplifugium*, July 5, see Marquardt, vol. iv. pp. 265–267.

Feb. 27. *Equiria*. See on March 14.

March 14. *Equiria*, or 'Ecarria ab equorum cursu: eo die enim currunt in Martio campo.' Varro, vi. 13. A feast of Mars, assigned to Romulus' institution by Festus, Ep. p. 81.

March 17. *Liberalia*, also called *Agonia*, from the sacrifices of the Salii Agonenses. It was the ordinary day for boys to put on the toga virilis, Serv. ad Ecl. iv. 50.

March 19. *Quinquatrus*. The best account is that given by Charisius, p. 45, Lind., 'a quinquando id est lustrando quod eo die arma ancilia lustrari sunt solita.' Similarly, on the 23rd is a *tubilustrium*, the beginning of spring being the natural time for a review of arms and implements of war, previous to a campaign. Just so, we have an *armilustrium*, Oct. 19, at the end of the summer, before retirement for the winter. Charisius' *derivation*, however, of quinquatrus from *quinquando*, is, no doubt, wrong, the word being unknown elsewhere, though, I suppose, intended as a form of *coinquere*, see on Carmen Arvale, p. 388. Varro rightly rejects the theory that it was called from the number of days of the feast (really only one), and derives its name from being the fifth day after the ides, quoting other forms, *sexatrus*, *septimatrus*, L. L. vi. 14: so Fest. p. 254.

The name is better known in connection with Minerva, but only from the accident that her temple, on the Aventine, was dedicated on this day (Festus, l. c.).

March 23. *Tubilustrium*, 'sub atrio sutorio tubi lustrantur,' Fast. Praen., cp. Varr. vi. 14.

March 24. Q. R. C. F; see above, p. 540.

Apr. 15. *Fordicidia*, or *hordicidia*, also called *fordicalia*, or *hordicalia*—

> 'Nunc gravidum pecus est, gravidae quoque semine terrae:
> Telluri plenae victima plena datur.' Ov. Fast. iv. 633.

Fordus is derived by Corssen, i. 102, from *fer-re*, where see other instances of change of *f* to *h*.

Apr. 19. *Cerialia*, an old festival obscured by the later famous ludi circenses, which finished on this day.

Apr. 21. *Parilia*. Some derive from *Pales*, others 'a partu Iliae,' making this the birthday of Romulus and Remus. Preller is probably right in thinking that it is the festival of Pales, and that the connection with the feast of the *dea Roma* is later (Myth. p. 366). The *r* is only an euphonic dissimilation, just as in *caeruleus* for *caeluleus*, cp. the converse *Remures* for *Lemures*. For a description of the festival see Ovid, Fast. iv. 721 foll., the great ceremony was passage through a purifying fire.

Apr. 23. *Vinalia*, the old Latin πιθοίγια, or first drinking of the new vintage of the previous autumn. The sacrifice consisted of a libation to Jove, Varro, vi. 17, Fest. pp. 65, 374, Plin. N. H. xviii. 29, 287. On the idea involved, see Introd.

to Carmen Arv. p. 387. A festival of Venus was confused with it, just as that of Minerva with the Quinquatrus.

Apr. 25. *Robigalia*, the festival of a male or female god, *Robigus* or *Robigo*, the god of blight or mildew, instituted by Numa [*robus* = rufus, cp. rubeus, ruber]. *Rufae* or *rutilae* canes were offered to him in his grove, on the via Nomentana, this being the time of the rise of the dog-star. Fest. pp. 45, 285.

May 9. *Lemuria*, a general festival for the repose of the dead, taking place on three nights, the days before which are marked N. Its relation to the *Feralia* is doubtful, but the way in which the dead were regarded in each was certainly different, that being a religious commemoration with some sort of merriment, this a painful, and rather fearful, superstition to get rid of their spirits from the household. Ovid gives a good description of the rites used by each father of a family, which should be read, Fast. v. 429–444. The easy change from *Lemuria* to *Remuria* caused some antiquaries to confuse it with a special sacrifice to the injured ghost of Remus. Cp. Parilia, Ap. 21. A similar change of *S* to *R* has made the term *Semurium* or *Remurium* doubtful (Cic. Phil. vi. 14), though it can hardly be anything but a compound of *se* and *murus*, like *pomerium*.

May 21. *Agonalia*, or *Agonia*. Vediovi, Fast. Venusin.; nothing else is known of this particular feast, but see on Jan. 9.

May 23. *Tubilustrium*, cp. Mar. 19 and 23.

'Proxima Volcani lux est: tubilustria dicunt
Lustrantur purae quas facit ille tubae.' Ov. Fast. v. 725.

May 24. Q . R . C . F, see p. 540.

June 9. *Vestalia*. A number of dies nefasti extend from June 5–15, in honour of this feast. On the 7th the penus of Vesta was opened, after which no marriages could take place. On the 9th the Matrons went, with bare feet, to offer cakes of their own baking on the common hearth; the Flaminica, during these days, could neither comb her hair, cut her nails, nor come near her husband. On the 15th the cleansing was finished (Q . S . D . F, see p. 540).

June 11. *Matralia*, see above, on C. 176. The temple of the Mater Matuta was in the forum boarium, by the porta Carmentalis.

July 5. *Poplifugium*, a festival as obscure as the Regifugium, the origin of which is generally placed about the time of the Gallic invasion, and combined with the women's festival of the *nonae Caprotinae*, two days later. See the authorites in Preller, Myth. p. 255, Mommsen, C. p. 396, and cp. next note. This is the only ancient festival that took place before the nones of the month.

July 19, 21. *Lucaria*. 'In luco colebant Romani, qui permagnus inter viam Salariam et Tiberim fuit, pro eo quod victi a Gallis fugientes e proelio ibi se occultaverint.' Fest. Ep. p. 119. If this were correct, this would be one feast, at least, later than the regal period, but nothing else is known of it. *Lucar* (the neuter of *lucaris*) is generally known in history as 'a rent, or vectigal,' obtained from *luci*, and spent upon theatrical performers. (S. C. de Ludis Saecularibus, V. C. 737, Bruns, p. 107, Tac. Ann. i. 77, etc., and perhaps Iuv. iii. 15.)

July 23. *Neptunalia*, games to Neptune on the Tiber, or at Ostia; perhaps boat-races. Mommsen, ad loc.

July 25. *Furrinalia*, to a goddess Furrina, or *Furina*, of whom little else is known, except that she had a flamen, and a grove across the Tiber. Perhaps *Furrina* = Furia. C. Gracchus was killed in her grove, which Plutarch calls ἄλσος Ἐριννύων. C. Gracchus, c. 17.

Aug. 17. *Portunalia*. Portunus is the same as Tiberinus, the god of the Tiber; see Fast. Philocal., where the feast is called *Tiberinalia*. The sacrifices were either 'in portu Tiberino' (Varro, vi. 19), or in the island near the Aemilian bridge, crossing to the Janiculum.

Aug. 19. *Vinalia*, rustica; perhaps instituted for the same purpose as the first, when wine was not drunk so new as it had been. Fest. Ep. p. 264. See Apr. 23.

Aug. 21. *Consualia*. Consus is said to be the god of storing (condendi), and his festival is naturally placed close to that of Ops, both here in and December (Mommsen). According to others, his name is short for *Consivus*, and compounded with the root of *sero*, 'to sow' (Corss. i. 418). Cp. Aug. 25.

Aug. 23. *Volcanalia*; 'eo die populus pro se in ignem animalia mittit' (Varro, vi. 20): these were little fish from the Tiber called *maenae*, Gk. μαίνη. The elder Pliny began to use lights for his work at the Volcanalia, apparently because the days then began to get shorter (Plin. Ep. iii. 5). 'Lucubrare Volcanalibus incipiebat non auspicandi causa sed studendi, statim a nocte multa, hieme vero ab hora septima,' etc.

Aug. 25. *Opiconsiva*, a festival of the earth-goddess, of thankfulness for the fruitfulness of the seed sown in winter. See Dec. 19.

Aug. 27. *Volturnalia*. Mommsen conjectures that Volturnus (a volvendo) was an old name of the Tiber. Volturnus is said to have been father of Iuturna, or Diuturna, who was, we know, a fountain goddess.

Oct. 11. *Meditrinalia*, said to be called *a medendo*. People used, on this day, to drink new wine (must) and old together, and say, 'novum vetus vinum bibo, novo veteri vino morbo medeor,' Varro, vi. 11. See on the *Vinalia*, Apr. 23.

Oct. 12. *Augustalia*. From Oct. 3–12; they only became annual in B.C. 14.

Oct. 13. *Fontinalia*, fontium sacra. Oct. 19. *Armilustrium*, see on March 19.

Dec. 11. *Agonalia*, of uncertain import; apparently a festival of the Septimontium.

Dec. 15. *Consualia*, on which mules and horses were crowned with flowers. See on Aug. 21.

Dec. 17. *Saturnalia*, attributed to one or other of the kings; their popularity did not begin till V.C. 537, when public banqueting was added, in obedience to the Sibyl (Liv. xxii. 1), and they were made to last 3, 5, and at last 7, days.

Dec. 19. *Opalia*, 'anni iam fetu agrorum coacto,' Macrob. Sat. i. 10, 18, whence the nearness to the Consualia and Saturnalia.

Dec. 21. *Divalia*, i.e. divae Angeronae, hence = *Angeronalia*. She was represented as the goddess of silence, 'ore obligato atque signato,' and is called *Diva muta* by Catullus, according to Prof. R. Ellis' excellent emendation, xxv. 5:—

'Idemque Thalle turbida rapacior procella
Cum diva muta gavias ostendit oscitantes.

Dec. 23. *Larentalia*, or *Larentinalia*, the parentatio Accae Larentiae or Larentinae, of very uncertain import. See Introd. to Carm. Arvale, p. 386.

Cap. IV.—INSTRUMENTA PUBLICA POPULI ROMANI.
Pp. 272–276.

1. Lex Plaetoria de Iurisdictione. This was a plebiscitum apparently passed just after the establishment of the urban praetorship, v. c. 387, b. c. 367. It ordered, as we see from this fragment, that he should have two lictors constantly with him, and should continue to hold his court up to the *suprema*. The lictors (with the fasces) were the constant insignia of a magistrate of the highest rank, and accompanied him up to the rostra, on visits, to the bath, and during his walks, and when he was at home remained in the vestibule. (See the references in Mommsen, Röm. Alt. vol. i. p. 297.) Those of the praetor stood by his tribunal, and their presence seems to have been required to make his acts valid. Ulpian records, as an exception to the general rule, that he allowed the praetor to manumit in the country without his lictors (Dig. xl. 2, 8). The number *two* is mentioned by Plautus (Epid. i. 1, 26) as the regular thing: '*Lictores duo*, duo viminei fasces virgarum.' Polybius speaks of the praetor as στρατηγὸς ἑξαπέλεκυς, xxxiii. 1; but this relates to the year 155 b.c. The form *supremam* is explained by Varro, L. L. vi. 5: 'Hoc tempus XII tabulae dicunt *occasum* esse *solis;* sed postea Lex Plaetoria id quoque tempus iubet esse supremum quo praeco in comitio supremam pronuntiavit populo.' (The MSS. have 'praetoria' for 'Plaetoria.') This calling of the hour was naturally part of the office of the *praeco;* but it seems by usage to have passed into the function of the *accensus*, the half-private servant of the magistrate. So Aquilius, in the Boeotia (quoted p. 367), speaks of the *accensus* calling mid-day, and Varro refers to his calling also the third and ninth hours (L. L. vi. 89: cp. notes to that passage and Mommsen, Röm. Alt. p. 281, n. 3, and 282, n. 3).

This Lex Plaetoria seems to be distinct from the Lex P. de Circumscriptione Adulescentium, by which a young man under twenty-five could not give an actionable promissory note. It is referred to by Plautus, Pseudulus, i. 3, 69, apparently as a new enactment. See the note on Lex Iulia Municip. l. 112, p. 470.

2. 'The Lex Aquilia was a plebiscite carried by a tribune called Aquilius, according to Theophilus, at one of the secessions of the plebs, probably at the secession to the Janiculum, b. c. 285, on which same occasion the Lex Hortensia was carried, making the plebiscites binding on the patricians.' Poste, Gaius, pp. 383, 4. It altered the old system of the Tables (see above, viii. 4), which was a mixture of talio and fixed money payment. The citation from the law in the Digest only mentions an equivalent payment to the owner of the slave or quadruped, but Cicero, Brutus, 34, speaks of a *multa* (i. e. a fine to the state) under this law. (Cp. Rudorff, R. R. G. i. p. 99, note 6, who also quotes passages which show that the killing a 'bos arator' was deemed at one time a capital offence. See Varro, R. R. ii. 5, 4, Val. Max. viii. 1, 8). The Lex Cornelia de Sicariis (see p. 548) further enabled the owner of a murdered slave to prosecute the offender criminally. The third chapter of the Aquilian law deals with other outrages in a similar spirit, only making the equivalent the price in the last

month, not *year*, as in the first case. Lawyers doubted whether this meant the *highest* price during that time, but Sabinus ruled that it did, on the analogy of chapter 1. (Gaius, iii. § 217.) The introduction of a very different matter in the second chapter of the law is a considerable difficulty. Bruns omits it altogether, hardly, I suppose, as doubting the correctness of the reference in Gaius, most likely only because the exact words are not quoted. Poste translates, 'By the second chapter an adstipulator who defrauds a principal covenantee by releasing the covenantor, can be sued for the amount of the loss occasioned.' Gaius adds, 'In this chapter, as well as in the others, damage is made a ground of action, though here the provision was unnecessary, because the action of agency (mandati) would give a sufficient remedy, except that the Lex Aquilia when the facts are traversed gives double damages.' The mixture of a *ius in personam* with a *ius in rem* is no doubt remarkable as a heterogeneous disposition. Yet I can hardly think that Rudorff is right in supposing that the law originally only dealt with the case of an adstipulator who was in league with the defendant in an action for killing a slave or quadruped, and that its application was afterwards widened by the jurists. (R. R. G. i. p. 99.)

For the *interrogatio lege Aquilia*, see above on XII Tab. ii. 1, p. 516.

3. Lex Silia. The relation of this law to the better known one of the same name which created the action of condictio for the recovery of 'pecunia certa' (Gaius, iv. § 19) is uncertain. Rudorff, i. p. 48, supposes them to be connected. The text of this fragment is corrupt, but it has been carefully emended.

oetier, cp. Lex. Agr. C. 200, 11 and 32, *oetantur* and *oeti*, and C. 603, 6, 8, *oeti*. *Coaequetur* is very hard, and is not sufficiently explained by the 'mensuras exaequandas' of the Pompeian inscription, Orell. 4348, Wilmanns, 1906. Huschke's *coeretur* certainly gives better sense. On the other hand, Scaliger's acute emendation, *se dolo m(alo)* for *sedulum* seems unnecessary. It is noticeable that the orthography *se dulo malo* is found in Lex. Agr. C. 200, 40; but this will not authorise the derivation of *sedulus* from *se* and *dolus*, that from root *sed-* being fixed by the parallel of *assiduus*. *Sedulo facere* is a common phrase, but I do not know that *sedulo curare* is found elsewhere.

The *quadrantal* is so called from its representing the contents of a cubic foot of liquid (e. g. Gell. i. 20, says, 'κύβους illi nos *quadrantalia* dicimus;' cp. Cato, R. R. 57). Its other name is *amphora*. and it was estimated by the Romans, not by its liquid contents, but as equal eighty pounds in weight—an estimate rather larger than the reality according to Boeckh (see Marquardt, vol. iii. 2, p. 38). According to the reckoning of the lower measures 6 *sextarii* go to a *congius*, and 8 *congii* or 48 *sextarii* to a *quadrantal*. For ordinary purposes the *quadrantal* may be reckoned as (a little less than) 6 gallons, and the *sextarius* as (a little less than) a pint. The phrase *sextarius aequus aequo cum librario siet* is difficult, but seems to mean 'the (liquid) sextarius is to be exactly equal to the standard (dry) sextarius,' *librarius* being used in the sense of the Greek σταθμικός, and not, as it elsewhere is, = 'of a pound weight' (e. g. with *asses*, Gell. xx. 1, 31). It is obvious that the *sextarius* was really $\frac{80}{48}$ or $1\frac{2}{3}$ lbs. in weight. The use of *aequus* is illustrated by a passage in Varro's Longe fugit qui suos fugit: 'Solus rex, solus rhetor, solus formosus,

fortis, *aequus* vel ad aedilicium modium, purus putus e. q. s. (Menipp. p. 156, Riese). Müller refers to such balanced phrases as 'par pari referre,' etc.

adversus hac, the MS. reading is defensible on the analogy of *post hac, antehac postea,* etc. See Introd. xiii. § 35. Cp. note on S. C. Bac. l. 24, p. 420.

modica seems to mean 'small' as compared with the modius. Huschke says, 'ad modum vel ad metiendum pertinentia,' which is ingenious, but wants support.

adduit, cp. *arduitur,* XII Tab. x. 7. *Quo ea fiant,* Lindemann and Müller give *quod* as the MS. reading; Mommsen says it really is *que,* and so accepts Scaliger's emendation *quo:* otherwise *quod* would be possibly an old ablative = ὡs (Introd. xiii. § 33). The parallel quoted by Huschke from Orell. 2488 = C. 603, 11 (Tit. Baebatii) seems a mistake of the editor. Mommsen reads '*quo,* id templum melius honestiusque seit.' See above, p. 481.

quis volet magistratus; on this use of *quis* see Introd. xiii. § 26. Cp. Schoell, Proleg. pp. 75, 76. *Minore(m) parti(m),* cp. note on Lex Bant. C. 197, 12, p. 423. It is there constructed with the genitive: *minore parti* here may be the dative, see Introd. x. § 9. *In sacrum* (see on XII Tab. ii. 1), the alternative seems to be that the magistrate may either inflict a multa, which would go into the aerarium, or assign the amount to the sacred treasury.

4. Lex Papiria. The *actio sacramenti* has been pretty fully discussed on XII Tab. ii. 1. For the *tresviri capitales* see note on Lex Bantina, C. 197, 7, p. 422.

5. S. C. de Philosophis et Rhetoribus. This decree belongs to the time when Cato and those like him were attempting to oppose the decay in national morals which they attributed to foreign and especially Greek influences. It is one of a series of which the Sctum. de Bacchanalibus is the earliest, v. c. 568. Some years later the Epicureans are said to have been driven from Rome, probably in v. c. 580. (Ἀλκαῖον καὶ Φιλίσκον τοὺς Ἐπικουρείους ἐξέβαλον τῆς πόλεως Λευκίου τοῦ Ποστουμίου ὑπατεύοντος, δι' ἃς εἰσηγοῦντο ἡδονάς, Athen. xii. p. 547 A.) Thirteen years later the senate issued the decree here given. Nearly contemporary with this was the embassy of the three Attic philosophers or sophists, Carneades, Diogenes, and Critolaus (Gell. vi. 14). Cato, who found his own ideas of right and wrong confused by the dialectics of Carneades, voted for their dismissal as soon as possible (Plin. vii. 31, 'quam primum legatos eos censuit dimittendos'). Cp. his tirade against Greek physicians, p. 342. The date of the S. C. de Theatro Perpetuo is doubtful. Mommsen, iii. p. 458, puts it in v. c. 599 = 155, the year of Carneades. But Appian seems to imply that it was later, probably v. c. 643 = 111. (App. B. C. i. 28. Cp. Val. Max. ii. 4.)

6. Edictum Censorium. This edict, like the former, was ineffectual, though we cannot tell how far it checked the teaching of rhetoric for a time. A few years later, we find the names of Plotius Gallus and Vultacilius Plotus, as Latini rhetores (Teuffel, § 36, 8). The earliest extant specimen of their method is in the book ad Herennium, usually published with Cicero's works, but allowed not to be his, and with some probability ascribed to Cornificius (ibid. § 149, 4).

7. Lex Cornelia de Sicariis, etc. The early history of criminal law at Rome is very obscure. According to Mommsen (iii. p. 112 E. T.), C. Gracchus 'withdrew the cognizance of those crimes which most frequently gave occasion to

capital sentences—poisoning and murder generally—from the burgesses, and intrusted it to permanent judicial commissions.' I am unable, unfortunately, to verify this statement. The same author says, with reference to the Cornelian laws, 'From this Sullan legislation dates the distinction, substantially unknown to the earlier law, between civil and criminal causes, in the sense which we now attach to these expressions: henceforth a criminal cause appears as that which comes before a bench of jurymen, a civil cause as that which comes before the individual *iudex*. The whole body of the Sullan ordinances, as to the *quaestiones*, may be characterized at once as the first Roman code after the XII Tables, and as the first criminal code specially issued at all' (l. c. p. 373). The quaestiones regulated or established by this code were, in all probability, (1) de Repetundis, (2) Maiestatis, (3) de Sicariis et Veneficis, (4) de Adulteriis, (5) Peculatus, (6) Ambitus, (7) de Nummis adulterinis, (8) de Falsis et Testamentaria, (9) de Vi Publica.

The provisions of the present law seem to have been pretty much as follows. (Cp. Rudorff, R. R. G. i. p. 86.)

It was directed, (1) against any one who went about within the city, or its circuit, wearing a weapon, for the purpose of killing or robbing; (2) against any one who killed a man, or procured his death; (3) against any one who prepared, sold, bought, had in his possession, or administered, poison for the purpose of killing another; (4) against any one who committed arson; (5) against any magistrate or senator who conspired to procure the condemnation of any one in a criminal suit; (6) against any who, as magistrate or iudex quaestionis in a capital suit, had taken a bribe, or caused condemnation through perjury. Persons convicted under any of these counts were punishable with exile, and confiscation, if of the better classes: 'humiliores' were punished with crucifixion, or had to fight with wild beasts. For this account, see especially the title in the Digest, xlviii. 5, and the passages of Paullus, v. 23, in Huschke, Iurispr. Anteiust. It is evident from these authors that the Lex Cornelia was taken as the basis to which new enactments were added, and on which new interpretations were grounded. For example, 'deportatio in insulam' is mentioned, though in republican times this was, in all probability, rather 'interdictio aquae et ignis.'

8. Lex Falcidia. This was one of the most important enactments with regard to testaments, and continued to be an integral part of Roman Law. See especially Gaius, ii. §§ 224–227 = Inst. ii. 22, and Dig. xxxv. 2; cp. Rudorff, R. R. G. i. p. 58.

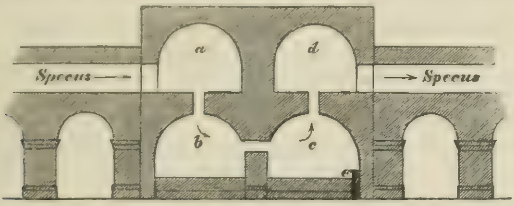
It is desirable here to give a short account of the enactments subsequent to the XII Tables (v. 3, p. 522), which were intended to check the unlimited power there given of testamentary disposition, and to ensure, as far as possible, that heredes should accept the succession. Under the old law (Gaius tells us), a man often alienated his whole estate, in the way of legacies and enfranchisements, and so heirs declined to accept their inheritances, and (what Roman lawyers thought a great scandal) people often died intestate. The Furian law (before v. c. 585) restricted legacies or donations, mortis caussa, to 1000 asses, except to persons within the sixth degree of relationship, and gave an action against the legatee *per manus iniectionem puram*, and a penalty of four times the amount. This, however,

left it in the power of the testator to split up his estate into small legacies, and this occasioned the enactment of the Voconian law, V. C. 585. This law, which had the support of Cato, was, in great measure, intended to restrain the rising influence of women ('de coercendis mulierum hereditatibus,' Gell. xx. 1, 23). The first chapter forbade *classici* (i. e. those of the first class, with property of 100,000 asses, or, later, of 100,000 – 125,000 sesterces) to make women, even their daughters or sisters, their heirs. The second chapter, however, gave them greater freedom in the way of legacies, allowing them to leave them to women without exception, and of an amount not exceeding that taken by the heir, or heirs, as a body. But this liberty was restricted to members of the first class. The third chapter forbade, generally, 'ne cui plus legatorum nomine mortisve caussa capere liceret quam heredes caperent.' This law, also, might be defeated (as directed against intestacy actual or practical), by the testator giving a number of small legacies, which would leave the heir too little to make it worth his while to pay the succession duty. The Falcidian law repealed the restrictions of the Furian and Voconian, and enacted that the heirs should have, at least, a fourth part of the estate left them, hence called the *legitima*, and sometimes the *Falcidia*. The passing of this law seems to be rightly connected (by Rudorff) with the imposition of a tax upon inheritances by the second triumvirate (V. C. 714, B. C. 40), at a time when they were pressed for money by the war with Sextus Pompeius. Appian, who, I believe, alone mentions this circumstance, calls the enactment which imposed it a decree (*διάγραμμα*), and speaks of the tax as an *εἰσφορά* (*εἰσφέρειν δὲ καὶ μοῖραν τοὺς ἐκ διαθήκης τι καρπουμένους*, B. C. v. 67), and, seemingly, it was one on legacies as well as inheritances. It was of importance to the revenue that wills should be made and carried out, and this was the object, also, of the Lex Falcidia. A permanent succession and legacy duty of 5 per cent. was established by the Lex Iulia vicesimaria, V. C. 759, A. D. 6, with certain exceptions in favour of the old citizens, and total exemption of inheritances of insignificant amount.

9. S. C. DE AQUAEDUCTIBUS. This is the last of the six decrees preserved by Frontinus. They relate, (1), ch. 100, to the *curatores aquarum* (first established by Augustus), their attendants and expenses; (2), ch. 104, to the number and care of the public fountains within the city (*publici salientes*); (3), ch. 106, forbids private persons to draw off water from the channels (*rivi*), or from anywhere except the *castella*, reservoirs, or heads; (4), ch. 108, is of similar import; (5), ch. 125, gives authority for taking materials, at a valuation, for the repair of certain aqueducts, which Augustus had offered to undertake, and grants rights of way (*itinera, actus*) over the neighbouring lands; (6), ch. 127, the one given in the text, orders the keeping clear of a space of 15 feet on each side the course of the aqueducts, and the clearing away of trees already planted, and the punishment of any offence in future. It is only necessary here to give the names of the principal aqueducts, and to explain the chief technical terms used in describing their construction. Four were made in republican times, viz. (1) the *Aqua Claudia*, by the great censor, B. C. 313; (2) the *Anio Vetus*, B. C. 273, began by the censor M. Curius Dentatus, and finished by M. Fulvius Flaccus; (3) the *Marcia*,

B. C. 144, by the praetor Q. Marcius Rex, of great importance; (4) the *Tepula*, B. C. 127, by the censors Cn. Servilius Caepio and L. Cassius Longinus. Five were built in the reigns of Augustus and Claudius, viz. (5) *Iulia*, B. C. 33, in the aedileship of Agrippa, connected with 3 and 4; (6) *Virgo*, built by Agrippa to supply his baths; (7) *Alsietina*, or *Augusta*, built by Augustus, probably to supply his naumachiae and gardens; (8) *Claudia*, and (9) *Anio Novus*, two magnificent aqueducts begun by Gaius Caesar, A. D. 36, and finished by Claudius, A. D. 50. Four were added at a later date, and these all existed up to the time of Procopius.

The channel of an aqueduct is called *rivus*, when it is carried on the surface of the ground, or under the earth (*rivus subterraneus*, or *cuniculus*). It is called *specus* when it consists of masonry elevated upon arches (*fornices*, cp. tit. Aletrin. C. 1166). These channels were always ventilated, even when one specus was over another, or when the channel was subterranean. Pipes (*fistulae*, *tubuli*) were used in places, especially in crossing a large valley, or going round a hill. At intervals there was a reservoir, for cleansing the water (*piscina*, *piscina limosa*), as shown in the following section, suggested by a woodcut in Rich's Antiquities. It had four chambers, so arranged that the water entered at *a*, deposited its sedi-



ment in *b* and *c*, and made its exit at *d*. The sediment was cleaned out at a door *e*, the specus, no doubt, being first closed by a hatch. The *castella*, or reservoirs, were either public or private, but, at the time of this decree, there were probably none but public ones, though certain private persons had the grant of using them.

For the phrase *extra urbem inter continentia aedificia*, cp. Alfen. in Dig. L. 16, 87, and Lex Iulia Mun. C. 206, l. 20. *Continente* there is adverbial, like '*detinente* tota nox est perviglanda canticis,' in Perv. Veneris, 46, as has been suggested. For *accusatori cuius opera maxime convictus esset*, cp. Lex Rep. C. 198, l. 78 (85), p. 438.

Cap. V.—FORMULAE VARIAE ANTIQUAE REIPUBLICAE.

1. Formulae Iuris Fetialium. Pp. 276–280. *Introductory Note.*

The *Fetiales* were the guardians of public faith in regard to other nations, and their intervention was required in performing rightly declarations of war, and in making, or unmaking, truces and treaties of peace. The name is written in inscriptions rather with a *t* than a *c*, and is transcribed by the Greeks φητιάλεις, φετιάλεις. It appears to be derived from the same root as *fas*, *fari*, *fateri*, *fatum*, *Bonifatius*, *in-fiteor*, etc., etc. (see Corssen, i. 419), and must have meant, originally, much the same as *orator* or *nuntius*, both terms used in transactions

performed by the *fetiales*. Twenty *fetiales* are mentioned by Varro, 'Si autem legati violati essent, qui id fecissent quamvis nobiles essent uti dederentur civitati statuerunt; *fetialesque viginti*, qui de his rebus cognoscerent iudicarent et statuerent, constituerunt' (De Vit. P. R. 111, ap. Non. p. 529). In general, two or three only were employed in one transaction.

Acting as chief of the *fetiales* we find the *pater patratus*, not indeed as a regular Master of the College, but apparently one of their number chosen and especially consecrated for each occasion. The name appears to mean 'one who is made father,' i.e. not a real father, but acting as such, and, according to Lange's probable conjecture, so called as deputy of the king (or other chief magistrate) in his paternal office (R. A. i. p. 280). Besides the office detailed by Livy in the matter of the treaty with Alba, the *pater patratus* had the duty of giving up to an enemy any Roman who had offended against international law or had entered, on his own responsibility, into an agreement with an enemy which was not ratified. The best known instances of this are the cases of Postumius, the general at the Caudine Forks (Liv. ix. 10), and that of Mancinus, whose treaty with the Numantines was unjustly disowned by the senate. There is a close analogy drawn by Cicero between the *deditio* performed by the *pater patratus* and the ordinary *venditio* of a son by his father; we may compare also the *noxalis actio* and *noxae deditio* of the Tables, viii. 6 and xii. 2, pp. 527, 538. (Cic. de Orat. i. 40, 181, pro Caecina, 34, 98, Appian, Bell. Hisp. c. 83.)

The fetiales as a body had the duty of performing all the preliminaries to war (described under *a* and *b*). The preliminary demand for restitution (res repetere) was called technically *clarigatio*, perhaps simply from the loud cry of the pater patratus, who led the three or four that were usually sent on this mission. (For a curious use of this word see Livy, viii. 14. Serv. ad Aen. 9, 53, makes it = the declaration of war, but apparently wrongly.) The further process described by Livy is confirmed by other writers. See references in Marquardt, iv. pp. 387 foll. For the use of the iron spear, cp. on Fratr. Arv. p. 389. A bloody lance is mentioned by Ammianus, xix. 2, as a custom of the Chionitae as well as the Romans, and by Dion Cassius, lxxi. 33, as a Roman usage. Madvig brackets the word *sanguineam*. No doubt it is difficult to combine the three words together. Livy probably meant 'a lance with an iron head, or one hardened by burning and dipped in blood,' the two latter epithets describing the alternative.

This declaration of war at first took place on the enemy's territory, but as the Roman empire extended symbolical processes were introduced. (Cp. the changes in the *manuum consertio*, XII Tab. ii. 1, p. 517.) In the war with Pyrrhus, we are told, they took one of his soldiers and made him buy a place in the Circus Flaminius, which they treated as foreign ground (Serv. ad Aen. ix. 53). Later, the fetialis threw his spear at the columna bellica by the temple of Bellona, a rite which continued to the times of the Antonines (Ovid, Fasti, vi. 205–208, and others). Nevertheless, the personal declaration of war was still kept up (Polyb. xiii. 3. See further, Marquardt, iv. p. 388).

The insignia of the fetiales were a *filum* or covering of wool worn round the head, but especially the so-called *verbenae* or *sagmina* (cp. *sacer*). These were tufts

of grass, pulled up root and all, with earth clinging to them, from the arx or peak of the Capitol (see quotations under c). They were solemnly asked for by the fetiales and given by the king or chief magistrate before they set out to execute any of their duties, and were borne before them by a *verbenarius*. This tuft of grass from such a spot seems to have been symbolic of the power of Diespiter, the great god of light and the god especially of good faith and purity, of which the *fetiales* were the guardians (see Preller, R. M. p. 219). To the same idea belonged two other symbols of this college, first a holy pebble (or thunderbolt?), called *Iupiter lapis* or *lapis silex*, with which a solemn oath was taken (see p. 279), and which is also probably the *saxum silex*, with which, according to Livy, the victim was struck at the conclusion of a treaty; and, secondly, a sceptre or herald's wand, called *Sceptrum Iovis*, which they held in their hand while taking oaths. Both these were kept ordinarily in the Temple of Jupiter Feretrius, which we may recollect was enlarged by Ancus Marcius (Fest. Ep. p. 92).

Notes on the Text.

(*a*) FORMULAE RERUM REPETUNDARUM ET BELLI INDICENDI. The text here given is almost exactly that of Prof. Seeley (Oxf. 1871).

5. *Aequiculis.* The institution of *fetiales* appears to be one common to the Italians as a people; we find them in Alba, Laurentum, Ardea, and outside Latium, amongst the Samnites. The *Aequiculi*, says Marquardt (iii. pp. 381, 382), are named from the supposed etymology of their name = *qui aequum colunt;* and similarly, Servius refers to the Falisci, who were similarly chosen as being *Aequi Falisci* (ad Aen. vii. 695). The traditional author of the ius fetiale is even named: a certain Fertor Resius, king of the Aequiculi (Auct. de Praen. § 1, cp. Auct. de Viris Ill. c. 5), a name which we no doubt ought to read in the following elogium lately found in the Forum, C. I. (Elog.) p. 564: FERT · ERRESIVS | REX · AEQVEICOLVS | IS · PREIMVS | IVS · FETIALE · PARAVIT | INDE · P · R | DISCIPLEINAM · EXCEPIT.

7. *Si ego iniuste* This oath is somewhat differently given by Dionys. ii. 72.

8. *carminis.* See on XII Tab. x. 3, p. 535.

10. *Iane Quirine.* Some earlier editions read *Iuno, Quirine. Cum iis.* Madv. reads *cum his.* Livy here passes from a general to a particular case, war with the *prisci Latini.*

11. *quarum rerum litium caussarum condixit: lites* are 'objects of dispute.' Madvig conjectures *caussa*, adding 'etsi difficile est de huiusmodi veteribus verborum formulis iudicium.' The nearest parallel to the use of these genitives seems to be the formula *eius* (or *eum*) *hac lege nihil rogatur*, or the like, e. g. in Lex Rep. C. 198, 77, 78, Lex Agr. C. 200, 34, Lex Iul. Munic. C. 206, 52. The phrase *damni infecti promiserit*, quoted from Cic. Top. 4, 22, seems less to the purpose, as it is evidently an ellipse of *caussa* or *nomine*, as in Gaius, iv. § 31. *Condicere* is specially used of naming a day for the decision of a case. The action called *condictio* or 'notice' (it is said by Gaius, iv. § 19), 'was created (constituta) by the Lex Silia and Lex Calpurnia, being prescribed by the Lex Silia for the recovery of a certain sum, and extended by the Lex Calpurnia to the recovery of a certain

thing;'—more exactly, a definite quantity of a definite species, e.g. corn, wine, oil. The form seems to have been 'a wager or verbal contract conditioned for the forfeiture of the vanquished party of one-third of the sum in dispute in addition on the part of the defendant to the original debt' (Poste, ad loc.) It drew its name from the *notice* given by plaintiff to defendant to appear before the praetor on the thirtieth day to receive a judge. But there seems to be a still earlier trace of such an action in the Tables, ii. 2, *status* (*condictus?*) *dies cum hoste;* and from the process of the fetiales described here, both in its general aspect and in its details, we may perhaps infer that the action of condictio was one of those national forms of procedure, or iura gentium, which were first used between Romans and foreigners (*status dies cum hoste = peregrino*), and then transferred to the civil law. '*Prisci Latini* proprie appellati sunt hi qui priusquam conderetur Roma fuerunt.' Fest. Ep. p. 226, i. e. those thirty Latin colonies of Alba Longa. Madvig writes *dari, solvi, fieri*, to suit the order of *dederunt, solverunt, fecerunt.*

12. *puro pioque duello*, so *iustum ac pium bellum*, Liv. iii. 25, ix. 8, etc. Cp. Cic. de Off. i. 11, 36, 'Ac belli quidem aequitas sanctissime fetiali populi Romani iure perscripta est. Ex quo intelligi potest nullum bellum esse iustum, nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum,' where he goes on to quote Cato's words given p. 283; for other refs. see Marq. iii. p. 380.

sanguineam. See introductory note, p. 552.

(*b*) Formula Belli indicendi. *Cincius libro tertio de re militari.* That this author was different from the old annalist L. Cincius Alimentus is now generally agreed. See a full discussion in Peter, Hist. Rom. Rell. pp. civ–cix, and cp. Teuffel, § 106, 4. He may probably have been a younger contemporary of Varro. The very names of his books might have been enough to prove that he lived at a time of considerable literary cultivation. That of the *Hermunduli* here is equally conclusive; they are mentioned by Velleius in his account of the expedition of Tiberius, A.D. 4, 'A Rheno usque ad flumen Albim qui Semnonum *Hermundurorumque* finis praeter fluit' (Vell. ii. 106, cp. Strabo, vii. 3). We do not know of any actual *war* with this people, but may suppose that Cincius, as a grammarian, put the name in exempli gratia as one talked about in his time.

(*c*) Formula Noxae dedendi. Here and in the other selections from Livy (except in the first book) I have chiefly followed Weissenborn's text. Cp. XII Tab. viii. 6, and xii. 3, for the parallels of the civil law. On this case Mr. Poste says (Gaius, pp. 455, 456), 'As Postumius had not committed a delict against the Samnites, but had made a contract with them, we may either suppose that the colouring of legality which the Romans attempted to give to their violation of the treaty was defective in this respect, or that under the old law the paterfamilias could really by noxae deditio discharge himself of liability for the contracts of those in his power by which he benefited, as well as for their delicts.'

adduces lorum. Weissenborn compares for the future Plaut. Rud. iv. 3, 9 = 946, '*quin audies.*' Fleckeisen, however, reads '*qui audies.*' *hisce.* Introd. xiii. 34.

(*d*) Formulae Foederis feriendi. Here, as above, I have followed Mr. Seeley's text of the first book of Livy. 4. *puram tollito*, sc. *verbenam*, perhaps with the hands, not with a knife.

5. *vasa*, in a wide sense, here of the insignia of the fetial's office.

7. *tabulis cerave*, rather an important evidence of the early use of writing at Rome, if this may be supposed to be part of the original formula. Weissenborn considers it a later addition. He compares the formula in Gaius, ii. 104, 'haec ita ut in *his tabulis cerisque* scripta sunt, ita do, ita lego, ita testor e. q. s.'

8. *defexit*, pf. subj. from perfect stem in -*i*. Cp. *tepefacit*, etc. *Illo die Diespiter*. The MSS. have *ille dies Iuppiter*, but in the Medicean *Iup.* is erased, and *ille* is altered to *illo*. Madvig retains the MS. reading, making the *ille dies* the nominative to *ferito* and *Iuppiter* vocative in a parenthesis. Others read *illo die Iuppiter*. Seeley's reading is confirmed, as far as *Diespiter* is concerned, by the oath given below under (*f*); but we might perhaps read even more simply, *tum illo Diespiter populum Romanum sic ferito*, and we may notice that the alternative runs *tum me Diespiter, e. q. s. eiciat.*

saxo silice, below, under (*f*), and note on Carmen Arvale, p. 388. So the Egyptians used a stone knife in embalming.

l. 3. The new decree seems to have been wanted, because the treaty to be concluded was outside Italy (Weissenborn). *Privos lapides silices* = singulos, Gell. x. 20. 4, and various passages of Lucilius and Lucretius, e.g. i. 34, 35, L. M.

> 'Ad cenam adducam, et primum hisce abdomina thunni
> Advenientibu' *priva* dabo cephalaeaque acharnae.'

praetor Romanus. Cp. Liv. vii. 3, 'Lex vetusta est, priscis litteris verbisque scripta, ut qui *praetor maximus* sit Idibus Septembribus clavum pangat;' and iii. 55, speaking of the time of the decemvirs, 'quod his temporibus nondum consulem iudicem sed praetorem appellari mos fuerit.' The magistrate here meant is of course P. Scipio Africanus, who was, speaking exactly, proconsul. Horace uses the word apparently merely for general, Epist. ii. 2, 34.

(*f*) Iuramentum Fetialium. *feretrius* is much rather to be derived from *feretrum*, the wooden frame on which trophies and spoils were carried up to his temple. Preller (R. M. p. 177) well compares Verg. Aen. xi. 83:—

> 'Indutosque iubet *truncos* hostilibus armis
> Ipsos *ferre* duces, inimicaque nomina figi.'

2. Formulae Iurisiurandi Militaris. Pp. 280–284.

There are considerable difficulties in dealing with this subject, as our information is fragmentary and seems inconsistent. Authorities do not tell us what was the distinction between the *sacramentum* and *iusiurandum militare*, nor have we anywhere an exact account of the words or matter of the sacramentum; and our difficulty is increased by the passage of Livy, book xxii, which (as it stands) is discordant with that in book iii. Cincius also, when we compare him with Polybius, seems either to have confounded the two occasions which Polybius mentions, or else to have known only one oath. I have given the passages in the order which seems best to illustrate the three occasions on which an oath was taken. I owe a knowledge of some of the passages quoted to Marquardt, iii. 2, p. 291 foll., who does not however appear to have clearly understood their relation to one another.

Polybius' account by itself is clear, connected, and harmonious. Taking it as our basis we should gather that the soldiers took an oath at the time of the levy, that they would follow the consuls wherever they chose to lead them, and never desert their standards (Dion. Hal.), or do anything against the republic (Serv.), but would in all things be obedient to the word of command to the best of their power (Polyb.). This I take to be the *sacramentum* proper, and to be described by Livy in the words *conventuros se iussu consulis neque iniussu abituros.* It also probably contained, according to the second passage of Polybius (vi. 26, under *d*), a promise to appear on a fixed day, except under certain specified conditions, which are detailed in the *second* part of the quotation from Cincius given under *e*. (Cp. Liv. viii. 34, 9, which is a suggestive passage). Whether the words *virum bonum* (*me praestabo*) and the promises *uri, vinciri, ferroque necari*, to which Seneca refers, were ever part of the oath, either under the republic or the empire, is very doubtful; but they seem to afford some analogy, and to be worth quoting here.

After this oath, which may well have varied from time to time in its matter, the recruits were dismissed (according to Polybius, chaps. 21–25) till a set day, when they were ordered to appear without arms. Upon this they were divided by the tribunes into their proper ranks and companies, according to their capacity, and ordered to procure the armour proper to their station. At this time it would seem the soldiers were in the habit of taking a voluntary oath amongst themselves, which was made obligatory in the Second Punic War, shortly before the battle of Cannae. Weissenborn puts it *after* the camp oath, which I venture to think is a mistake (Liv. xxii. 38). Polybius does not mention this second oath, but goes on to describe the general day of meeting (ch. 26), when all appeared unless unavoidably prevented, and were reviewed and exercised in constructing a camp, of which he gives a detailed account, chaps. 27–32. Then follows naturally the oath about not stealing in or near the camp (Pol. ch. 35 = Cincius' first paragraph). Thus we distinguish three occasions on which an oath was taken: (1) the *sacramentum* proper, the general initiation into the military state, taken after the levy and enrolment; (2) the (at first voluntary) oath upon joining a particular legion, and taking a specified rank and station in the army; (3) the camp oath, at the actual entrance into military service, and after the performance of the great typical military act, the construction of a camp. I believe these three occasions have not been properly distinguished before, chiefly owing to the passages of Cincius, which by themselves are misleading. Of course it is quite possible that all three oaths might be moulded into one, or all taken in substance on one occasion. The chief remaining difficulty is the first sentence of the passage of Livy, book xxii, which is not only as it stands inconsistent with book iii, but affords no very clear sense taken alone. Frontinus, it may be noted, omits the words *iussu consulum—abituros,* and it is very possible that they should be bracketed as a gloss, according to Crevier's conjecture. It is perhaps even more probable that they should be transposed to after *sacramentum fuerat,* as rightly explaining what the sacramentum was.

That the military oath was a real sacramentum (according to the explanation of

the term given above on XII Tab. ii. 2)—that is that it invoked a curse upon the head of him who took it if he forswore himself—few persons, I suppose, will doubt, with the parallels of the fetial oaths and others below under *g* and *h* before him. Curiously enough there is no distinct trace of this part of the formula, but there are strong references to the sanctity of the military oath (Liv. ii. 32 and Dion. H. xi. 43, ὅρκος ὁ στρατιωτικὸς ὃν ἁπάντων μάλιστα ἐμπεδοῦσιν οἱ Ῥωμαῖοι), and other indications of the same sort. For instance, Livy gives us an interesting account of the constitution of the Samnite legio linteata, and of the ceremony by which they were enrolled, 'ritu quodam *sacramenti* vetusto velut initiatis militibus,' and a little further, 'dein iurare cogebatur [miles] diro quodam carmine *in execrationem capitis familiaeque et stirpis* composito, nisi isset in proelium quo imperatores duxissent e.q.s.' (Liv. x. 38, v. c. 459). That the sacramentum was something of this sort, implying a religious sanction, though with less terrible imprecations, seems certain. It was looked upon as a religious initiation and as part of the preliminaries to a just and pious war. Cp. the fetial formulae and the passages from Cato quoted under *f*. Livy, in a place already referred to, says (reporting a speech of the dictator Papirius), 'immemores *sacramenti* licentia sola se ubi velint exauctorent, *infrequentia* deserantur signa, neque conveniatur ad edictum, nec discernatur interdiu nocte aequo iniquo loco, (*iussu*) *iniussu* imperatoris pugnent; et non signa, non ordines servent; latrocinii modo caeca aut fortuita pro *sollemni et sacrata* militia sit' (viii. 34, 10).

Notes on the Text.

(*a*) Sacramentum Militare. These passages give the soldiers' oath in general: we learn from Caesar, B. C. iii. 13, that it was first taken by the legati and tribuni, and then exacted by the latter from the inferior soldiers. With the passage of Dionysius, cp. Sen. Ep. 95, 35, 'primum militiae vinculum est religio et signorum amor et deserendi nefas.'

idem in me, sc. recipio. Cp. Liv. ii. 45.

(*b*) Sacramentum Gladiatorum. Seneca is of course speaking metaphorically here of the service of philosophy, very much as Horace, Ep. i. 1. 14, 'nullius addictus iurare in verba magistri' (cp. Sat. ii. 7. 58). This gladiators' oath is added here rather as analogous to the soldiers' oath than as absolutely like it in terms.

(*c*) Iusiurandum Militum. On these passages, see introductory note.

2. *ubi ad decuriatum*, described by Polybius, vi. ch. 21–25. The word *decuriatus* is found nowhere else, and *centuriatus* only in the sense of a centurion's office; hence some editors, with Walch and Schoemann, wish to strike out the words, and Madvig proposes *ad decuriandum et centuriandum*. But Livy has elsewhere ἅπαξ λεγόμενα, and the words may mean 'to take their places in decuries (as equites) and centuries (as pedites)' (Weissenborn).

sua voluntate, i. e. as at a *coniuratio* on the occasion of a tumultus, when for want of time the oath was taken *en masse:* see the passages of Servius, *a* 3.

(*e*) Iusiurandum Castrense. On this Cincius, see *Ius fetiale*, p. 554. The first paragraph is evidently parallel to the passage of Polybius, vi. 33, and

may be called the *iusiurandum castrense.* The second seems to belong to an earlier oath, probably to the sacramentum itself, or one taken at the time of enrolment. Gellius may have simply arranged them in wrong order, or this may have been done by Cincius, or, as I have said, there may have been in his time only one oath. *Feriae denicales* = sacrificium novendiale, according to Preller, R. M. p. 482. Marquardt, however, v. p. 382, arguing from this passage and from Cic. de Leg. ii. 22, 25, 'eas in eos dies conferre ius ut [neque] ipsius neque publicae feriae sint,' concludes that they were not on a fixed day, but on one chosen for the purpose. He thinks the object was to purify the household, whereas the 'novendiale' (or silicernium) was intimately connected with the first offering to the manes of the dead. Cicero's derivation from *nex* is the only one I find spoken of.

morbus sonticus. See XII Tab. ii. 2, p. 517.

status condictusve dies cum hoste. See on XII Tab. ibid., and *Ius fetiale,* p. 554.

infrequens; so *infrequentia* in Liv. viii. 34, 10, quoted at the end of the introductory note, in the last page.

(*f*) SACRAMENTUM POST MISSIONEM RENOVATUM. Mommsen holds the first of the quotations from Cato to be due to an interpolator of Cicero: see his arguments in Jordan's Prolegomena, p. civ. Cp. note on *puro pioque duello,* p. 554.

(*g*) IUSIURANDUM PRO RE NATA VICTORIAE CAUSSA. This extemporary oath illustrates the execrations which were no doubt contained in the sacramentum proper, as well as the formula *idem in me,* by which the soldiers singly took it upon themselves.

(*h*) IUSIURANDUM A P. SCIPIONE INPOSITUM CONIURATIONIS OPPRIMENDAE CAUSSA. This is of course not a military oath at all, but only introduced by way of illustration. *Ex mei animi sententia,* almost = 'on my honour.' This was a regular formula used at the census. Cp. the amusing anecdote of the man who when asked at the census if he had a wife, 'Ut tu *ex animi tui sententia* uxorem habes,' answered, 'Habeo equidem uxorem, sed non hercle ex animi mei sententia,' for which untimely jest he was degraded to the aerarii (Gell. iv. 20). Cp. the *iusiurandum Aritinensium* exacted from the people of that town at the accession of the emperor Gaius, A. D. 37, which begins, 'Ex mei animi sententia ut ego iis inimicus ero quos C. Caesari Germanico inimicos esse cognovero,' it contains also an execration, 'Si *sciens fallo* fefellerove tum me liberosque meos Iuppiter optimus maximus ceterique omnes di immortales expertem patria incolumitate fortunisque omnibus faxint.' C. II. Inscr. Hispan. 172. It will be found also on p. 242.

3. FORMULA DEVOTIONIS DECII. P. 284.

The idea of consecration of persons appears generally in three cases: (1) the *consecratio capitis et bonorum* ordered by the royal laws and the later leges sacratae; (2) the *devotion* of persons and places; and (3) the offering of the *ver sacrum.* For the first, see on XII Tab. viii. 21, and for the third, see below, no. 6. The second is illustrated by the formulas of the devotion of Decius and those given under 4 and 5 from Macrobius. A general can *devote* to the infernal gods (*a*) the city and land of the enemy from which he has rightly evoked the

gods, or (*b*) himself or some other citizen out of the army. The word *devote* used technically implies the idea of a vicarious sacrifice. The latter form is connected with some of the grandest and most inspiriting memories of Roman history, the devotion of Curtius (however it was interpreted), the death of the senators after the disaster at the Alia, grimly waiting in their halls for the advent of the barbarians (Liv. v. 41, 'sunt qui M. Fabio pontifice maximo praefante carmen devovisse eos se pro patria Quiritibusque Romanis tradant'), and the devotion of the Decii. The devotion of the younger Decius at Sentinum is recorded in Liv. x. 27 foll. On the alleged devotion of the third Decius, see on Enn. Ann. 214. In Greek history we have a parallel in the death of Codrus.

velato capite, the regular position of a Roman in the act of worship before offering a sacrifice, according to the legend, 'Italici auctore Aenea velant capita, quod is, cum rem divinam faceret in littore Laurentis agri Veneri matri, ne ab Ulyxe cognitus interrumperet sacrificium, caput adoperuit atque ita compertum hostis evitavit;' on the other hand, 'Graeco ritu' = 'aperto capite.' Fest. p. 322, 324. Cp. Verg. Aen. iii. 403 foll., Lucr. v. 1198, 1199, who says satirically, 'nec pietas ullast *velatum* saepe videri Vertier ad lapidem,' etc. The object, no doubt, was to symbolise and to facilitate the concentration of mind fit for such a religious service, and to avoid the sight of all bad omens. Cp. the formula 'hoc age' = attend, addressed to the crowd. The veiled head here, as in the case of the ver sacrum, expressed the fact that the subject of devotion offered himself as a sacrifice.

super telum subiectum; a part of the rite that seems to want explanation.

Dii Novensiles. See on C. 178, p. 410.

cinctu Gabino. Cp. Liv. v. 46, where Fabius goes in this fashion to sacrifice on the Quirinal, and Verg. Aen. vii. 612, where it is the dress of the consul opening the Temple of Ianus. Servius' note here is not so good as that on Aen. v. 755, from Cato's Origines (i. 18, Jord. q. v.). From this passage it appears to have been a way of throwing the right corner of the toga over the head, so as to form a sort of cowl or hood, and throwing the left into a girdle, thus leaving the right arm free. A person clothed in this way is figured in the Vatican Vergil. (See woodcut in Rich, s. v. p. 160.) It is said to have been called Gabinus from the fact that the people of Gabii were thus attired when suddenly attacked by the Etruscans, and rushed out to repel them without changing their dress.

signum, an image. Cp. the usage of throwing twenty-four puppets of rushes from the Pons sublicius into the Tiber every 15th of May (the so-called Argei), which were probably a substitute for human sacrifices (Preller, R. M. p. 515). The same rational and prudent spirit appears in many Roman rites, e.g. in that of the ver sacrum, below xxii. 10, which they restricted to animals. Cp. the device of Numa, and the use of maenae at the Lemuria; see the passage of Valerius Antias, p. 351, and on the calendar May 9.

4. Carmina evocationis et devovendae civitati. Pp. 285, 286.

(*a*). Pliny says (N. H. xxviii. 2): 'Verrius Flaccus auctores ponit quibus credat in oppugnationibus ante omnia solitum a Romanis sacerdotibus evocari

Deum, cuius in tutela id oppidum esset: promittique illi eundem aut ampliorem locum apud Romanos cultumve. Durat in Pontificum disciplina id sacrum constatque ideo occultatum in cuius Dei tutela Roma esset ne qui hostium simili modi agerent.' Cp. Serv. ad Aen. ii. 351, who no doubt rightly judges Vergil to have referred to this belief in the lines, 'Excessere omnes adytis arisque relictis | Di, quibus imperium hoc steterat.' It is in fact as a commentary on them that Macrobius introduces these *carmina*.

Si deus si dea est: see note on C. 178, p. 410.

Carthaginiensis. See Mommsen's note on Lex. Agr. C. 200, 81, *ager publicus P. R. ubi oppidum Carthago quondam fuit,* page 100. The difficulty is, not that the site of Carthage was not consecrated, but that much earlier authors than Macrobius relate that the decision on this point was made by Scipio *after* the capture and burning of the city. Is it not probable that the name had been inserted in an old formula, like that of the Hermunduli above, see p. 554?

ad me meosque veniatis, cp. *dii Novensiles* or *Novesides,* C. 178. Prudentius contra Symm. ii. 348 foll. is quoted by the commentators (Jan refers, I presume by mistake, to ii. 18):—

'Innumeros post deinde deos, virtute subactis
Urbibus, ex claris peperit sibi Roma triumphis,
Inter fumantes templorum armata ruinas
Dextera victoris simulacra hostilia cepit,
Et captiva domum, venerans ceu numina, vexit.'

(*b*). *Veiovis* = Vedius, see on C. 807, p. 485.

quem ego me sentio dicere; cp. the formula in Varro, L. L. vii. 8. *Aetates* = 'lives;' Plaut. Men. 672, 'sibi inimicus magis quam *aetati tuae*,' is sometimes quoted as a parallel, but seems rather to be used in a caressing sense, 'thy beauty,' like *aetatula* (Brix). Jan quotes Tac. Hist. iii. 68, 'innoxiam liberorum *aetatem* miserarentur,' but that, again, means 'youth.' Mr. E. Abbott suggests that 'verum in *aetate* utile,' in Trinum. 23, may be a parallel, translating it 'useful in human life.'

ovibus atris; the regular offering to the infernal gods, Lucr. iii. 52, Verg. Georg. iv. 547.

5. Formula Veris Sacri vovendi. Pp. 286, 287.

The 'ver sacrum' is sufficiently explained by the passages given in the text, and by the note on XII Tab. viii. 21. Compare the vow before the war with Antiochus, V.C. 561, B.C. 193, Liv. xxxvi. 2.

consulente conlegium praetore is Lipsius' emendation of *collegio praetorum.*

steterit ut velim; the MSS. have *sic velim*, and this *ut* is, of course, only conjectural: the following clause is also corrupt, and seems to want some words, e.g. *eam servarerit* cannot be connected with *respublica,* which would require *se.* Weissenborn suggests that *Iuppiter* is wanted as the nominative. As the sentence stands, the only possible nominative is *populus Romanus.* Twiss reads *sicut velim eam, salva servata erit hisce duellis,* and transposes the clauses *datum donum* e. q. s., and *quod duellum* e. q. s. The latter is certainly an improvement. *Datum donum* is obscure: *tum* is an easy conjecture.

quaeque profana erunt, i. e. not already consecrated to some god. *Probe factum esto*, cp. *devotio Decii*, § 12, 'si is homo qui devotus est moritur, *probe factum videri*,' and the sanction of early laws, '*inprobe factum*,' which Livy so much admired (e. g. lex Valeria de Provocatione, ap. Liv. x. 9. Cp. p. 532).

rumpet, 'vulneraverit vel virgis vel loris vel pugnis ceciderit vel telo vel quo alio ut scinderet alicui corpus, vel tumorem fecerit.' (Dig. ix. 2, 27, 17, quoted by Weissenborn.)

atro die, Varro, L. L. vi. 29, q. v. Verrius Flaccus in Gell. v. 17, etc. ; the peculiar term for the days after the Kalends, Nones, and Ides, which were looked upon as unlucky.

faxitur = factum erit, Introd. xviii. § 10.

6. Formula Adrogationis. P. 287.

Adrogation was a legislative act of the Comitia curiata, but it could not be performed without the consent of the person so transferred from one family to another. See Cic. pro Domo, 29, 77. The question put was : 'Auctorne es, ut in te (P. Fonteius) vitae necisque potestatem habeat ut in filio?' For further details see Gaius, i. §§ 97–107, and Mr. Poste's notes. Adoption proper took place by the process of three fictitious sales and two manumissions, followed by a claim (with certain minor formalities, in which the pater fiduciarius took part,) by the adoptive father (Gaius, i. § 134). Augustus adopted two of his sons by adoption proper, and two by adrogation. 'Gaium et Lucium adoptavit domi per assem et libram emptos a patre Agrippa . . . Tertium nepotem Agrippam simulque privignum Tiberium adoptavit in foro lege curiata' (Suet. Aug. 64). The thirty curiae were symbolised by thirty lictors. (Poste.)

Sectio Secunda.

POETARUM ANTIQUORUM FRAGMENTA.

GENERAL INTRODUCTION.

The following fragments have been chosen with a good deal of care out of the large number that have been collected by the diligence of many generations of scholars. Though the reader will perhaps miss some passages that he would naturally look for, it is hoped that the whole series will be found to give a fair idea of the general course of Roman poetry throughout the period covered by this book—excepting indeed the comic drama, which happily does not require its aid.

The beginnings of Latin poetry are very obscure; there is evidence enough to show that there was a vein of natural or national poetry in the people, but it was probably neither very rich nor copious. I have given a general sketch of this early poetry, or rather of what is known about it, in the third of my Introductory Lectures, published in 1870, to which I may be permitted to refer. The scanty fragments which have come down to us may be classified as follows:—

(1) *Oracles*, such as the Vaticinations that go under the name of Marcius, collected in the first chapter of this section.

(2) *Hymns*, or Litanies, or as the Romans called them *axamenta* or *indigitamenta*. The most important relic of these is the Carmen Fratrum Arvalium (above, pp. 157, 158). Some very obscure fragments of the Salian hymns are given in the notes that follow this Introduction; they could not be wholly omitted, but are too uncertain to be placed in the text. Similar *carmina* in a modernised form may be found in the Formulae Iuris Fetialium, pp. 276 foll., in the Carmina Evocationis et Devovendae Civitati, pp. 285, 286, and in the extracts from Cato de Re Rustica, pp. 334–337. Something not wholly alien from these is the formula used by the augur, as preserved by Varro, pp. 368, 369.

(3) *Metrical Epitaphs in Saturnians.* The Epitaphs of the Scipios are of course the great example of this kind (pp. 159–161). Whether they were or were not fragments of *neniae* is quite uncertain, as is their relation to the 'clarorum virorum laudes' mentioned by Cato (p. 340) and Varro (De Vita Populi Romani, ii. Non. p. 77, s. v. *assa voce*, 'In conviviis pueri modesti ut cantarent carmina antiqua, in quibus laudes erant maiorum, et assa voce et cum tibicine'). We have one other epitaph in Saturnians of a much later date, C. 1006; and the votive inscription of Sora, C. 1175, may also be mentioned here.

We have no relics of that satirical or comic poetry which doubtless flourished at Rome as early as any other, for a certain rough humour, a keen observation, and a love of personality are among the most distinguishing characteristics of the people.

Passing to the second stage, when the contact with Greek civilisation began to be felt, we come first to Livius Andronicus, the en-

franchised Tarentine slave. He is represented by the scanty fragments of his translation of the Odyssey in Saturnians. Then comes 'Naevius qui fervet,' a free Campanian auxiliary, whose Punica (also in Saturnians) remains in a scarcely less ruinous condition. I have given also all that we have of his *Lycurgus* (which presents some good poetic touches), and some remarkably powerful lines from his comedies —almost enough to justify the old critic who put him next to Caecilius and Plautus. We then come to an undoubted giant, Ennius, who was certainly the greatest poet before the age of Cicero, and one who both in tragedy and epic poetry deserved a far better fate. I have given all the longer passages from his Annals, all the fragments of the Sixth Book, and in his Tragedies all that remains of one important one (the Alexander), and some other fine or remarkable passages. Pacuvius seems only to have been a more pedantic Ennius; and Accius, if more subtle in regard to character, was not (I should suppose) a very great poet. The passages from his Brutus are the only specimens of any length of the early national tragedy. They are not, unfortunately, from a scene of very great interest. But we cannot judge entirely by the fragments, otherwise we should have but a mean idea of the comedian Caecilius, of whom the ancients thought so much. The fragments of Lucilius will always be interesting, at least to scholars; and we have enough of him to judge fairly of his merits—a coarse powerful writer, very unequal, though probably nowhere very melodious or very witty, but with a keen Roman observation that makes us regret the loss of his pictures of men and things, as the most original production of the age.

The mime, in the hands of Laberius and P. Syrus, must have been a treat to a people who did not shrink from the commixture of serious sentiment with the most vulgar and trivial ideas. There is a pathos in the prologue of Laberius which never fails to make an impression.

The lighter articles in the selection will speak for themselves. If the Boeotia was rightly ascribed to Aquilius, we are introduced to an unknown poet who approached very nearly to Plautus in style.

Q. Lutatius Catulus is perhaps the first instance at Rome of an eminent public man taking to *vers de société*. The lines on Terence, by no less a man than Julius Caesar, are forcible and valuable; as is that other criticism by a grammarian of the same age upon the roll of comic poets, then finally closed.

Literature has its fossils as well as geology, and a good many of these lie before us in this period; lives and characters which we may put together with something like scientific accuracy without exactly understanding how they lived and moved. The extracts here will however be dull or interesting as they are read alone or with the help of other books. If the reader will take the pains to consult, e.g. Sellar, Conington, and Mommsen, he will find that these early poets were a real force and power in their day, and set in motion or carried on currents that flow around us still. A little reading of Cicero will show how much he turned to them to help the expression of his thoughts, and a comparison of the Augustan poets, but especially of

Vergil, will reveal the fact that with a happy plagiarism they summed up in themselves almost all the characteristic traits revealed in the extant fragments of their predecessors.

On the early poets in general the reader should consult—

Conington's Early Roman Tragedy and Epic Poetry; an essay first published in the North British Review, No. 82, and reprinted in his Miscellaneous Works, vol. i. pp. 294–347, London, 1872.

Sellar's Roman Poets of the Republic, Edinburgh, 1863.

Mommsen's Roman History, bk. iii. chap. 14; iv. ch. 13; and v. ch. 12 (E. T. vols. ii, iii, and iv, pt. 2).

Minor details may be found in Bernhardy's and Teuffel's Histories of Literature; the latter has been translated by Dr. W. Wagner.

Fragments of the Carmina Saliaria and other early Verses.

These have been edited by a good many scholars in the present century; amongst others, by Egger, in his Latini Sermonis vetustioris Reliquiae, in 1843, pp. 72–77, Corssen, in Origines Poesis Romanae, Berlin, 1846, Bergk, in a Lectionscatalog, at Marburg, 1847, and Donaldson, in Varronianus, 1860 (3rd ed.), pp. 235–238.

I have these books before me, with the exception of Bergk, which I was unable to make use of, having to depend on a short summary in the Ztschr. für Alterthums Wissenschaft for 1847, no. 94. No recension is satisfactory. Bergk, I need hardly say, seems to show the greatest acumen, and the greatest audacity. Corssen has touched the matter again in a note, Vok. i. pp. 229, 230.

Two fragments occur in a passage of Varro, L. L. vii. 26, 27, where the Florentine MS. reads, according to Müller—

'In multis verbis, in quo antiqui dicebant S, postea dictum R; ut in carmine Saliari sunt haec:

COZEVLODOIZESO; OMNIA VERO ADPATVLA COEMISSE IAMCVSIANES DVO MISCERVSES DVN IANVSVE VET POS MELIOS EVM RECVM . . . .

(*spatium decem linearum relictum*).

27. . . . . foedesum foederum, plusima plurima, meliosem meliorem, asenam arenam, ianitos ianitor. Quare est Casmena Carmena, ut* carmina carmen; R extrito Camena factum. Ab eodem voce canite, pro quo in Saliari versu scriptum est cante hoc versu:

DIVVM EMPTA CANTE, DIVVM DEO SVPPLICANTE.'

BERGK resolves the first passage into three:—

(*a*) 'O zeul adosiose' = 'sol venerande vel inclute,' referring to Gloss. Labb. adoriosus ἔνδοξος, and to the name *Usil* for the sun in Etruscan, and the Latin *Aurelius*, etc.

(*b*) Omína vero ád Patúlcie mísse Iánitós
Ianés: duonús Cerús es.

i. e. precationes vero admitte Patulcie Ianitor Iane: bonus Creator es. Cp. Tert. Apol. 10, for *Ianes* = Ianus.

(*c*) Duónus Iánus aúctet pó meliósem récum
[nullum terra vidit Saturnia . . . .]

i. e. bonus Ianus augeat, quo meliorem regum [nullum terra vidit Saturnia.]

No one can deny the cleverness of this attempt, but the emendations are not altogether convincing. The best seems to me the last, though I should prefer to keep *venet* = vivit. Of course the words in brackets only express a probable sense.

The second line he emends,

Divum témpla cánte: divum deo súpplicáte.

Everyone sees in *divum deo* a name of Ianus, following Macrob. Sat. i. 9. Unfortunately, there is little agreement on other points. In the first passage CORSSEN has an extraordinary interpretation, by which *cozeulo dori eso* = *esum* (h. e. cibum sacrum) *in cozeulum* (i. e. ollam) *dare* (p. 56). Is not this deserving of Cornewall Lewis' satire? He goes on rather better (Vok. p. 230), 'omina vero ad patula coemise Iani cusianes. Duonus Ceruses, duonus Ianus' = 'omina vero ad patulum Ianum (patulam Ianuam) conceperunt curiones. Bonus creator, bonus Ianus.' He makes *pommelios* = pomerius, and reads *venet* = veniet, etc.

DONALDSON writes (Varron. p. 236),

'Chorauloidor' eso; omnia enim vero
Ad patula' ose' misse Iani curiones.
Duonus Cerus esit dunque Ianus vevet,'

i. e. Chorauloedus sum; omnia enim vero ad patulam aurem miserunt Iani curiones. Bonus Cerus erit donec Ianus vivit. *Chorauloedus* of course = χοραυλῳδός.

He explains the second passage (after Grotefend) = 'deorum impetu canite, deorum deum suppliciter canite.'

I am inclined to think (if it is worth while to offer an opinion on such an obscure topic) that *Chorauloedus ero* is the meaning of the first words. I will not commit myself as to those that follow, though the old commentators may probably be right as to *cusianes* = curiones, and Corssen may have interpreted *coemisse* correctly, as a third plural of the perfect = *concepere* or *sensere* (Introd. xvii. 3). If, then, we construe *adpatula* as a compound = *clara*, we get an intelligible sense for the passage, adopting Bergk's emendation in *c*,—

'Chorauloedus ero; omina vero adpatula concepere Iani curiones. Bonus creator es. Bonus Ianus vivit, quo meliorem regum [terra Saturnia vidit nullum].'

I do not lay any stress on this, and I do not pretend to divide the lines into Saturnians. The metrical notation given above is not very satisfactory.

The other line is clearer in some points, but I cannot venture to say whether *empta* or *templa* is right.

On the other hand, Bergk seems to me to have really succeeded in emending the difficult quotation in Terentianus Scaurus, p. 2661 P, with the help of a gloss in Festus. The corrupt text of Scaurus has, 'Cume ponas Leucesiae praetexere monti quotibet cunei de his cum tonarem.' Bergk compares Fest. p. 205, 'prae tet tremonti praetremunt te' (cp. Introd. xiv. 11), and reads,

'Cume tonas, Leucesie, prae tet tremonti,
Quom tibei cunei decstumum tonaront.'

Lucetius is mentioned by Macrobius (Sat. i. 15) as a name of the god of light used in these hymns. Can it be believed that Corssen saw the relation between

the two passages, but wished to change the text of Festus into *praetexere monti?* *Cunei* must be 'thunderbolts' or 'forked lightning.' For *dextumum tonaront* cp. Mommsen, Handb. pp. 4, 5. Lightning from the right was a bad sign (ἐξαίσιον).

Other forms from these hymns have been quoted elsewhere, e. g. *pilumnoe poploe* (Int. ix. 7, etc.), *privicloes* (ib. 13), *Cerus manus* (note on C. 46, p. 405), *Saeturnus* (note on C. 48), *Mamuri Veturi* (Fest. p. 131, note on Carm. Arv. p. 392), etc. Similar forms are found scattered up and down Festus, sometimes distinctly as quotations from Salian hymns, sometimes not. Such are (on p. 205) '*praeceptat* = saepe praecipit,' '*pa* pro parte' (patre?), and '*po* pro potissimum' (?); '*promenervat* promonet,' '*praedotiont* praeoptant,' '*prospices* prospice,' and others; p. 270, '*Redantruare* dicitur in Saliorum exultationibus cum praesul *amptruavit*, quod est motus edidit, ei referuntur invicem motus;' p. 290, '*sonivio* sonanti,' and p. 360, '*tame* tam.'

It only remains now to add a few lines quoted from other sources, omitting glosses of single words.

1. Varro, L. L. vii. 28, cites from the Carmen Priami the following Saturnians,

'Veterés Casménas cáscam rém voló profári
Et Príamum . . . .'

2. Fest. p. 167, '*obstinet* . . . ostendit ut in veteribus carminibus;

Sed íam se caelo cédens Aurora óbstinet suúm patrem,'

wich is a good iambus octonarius, not a Saturnian as Donaldson makes it by omitting *aurora* (p. 237).

3. Macrob. Sat. v. 20, Fest. Ep. p. 93, *flaminius camillus*, and Serv. ad Georg. i. 101, give a 'rusticum vetus canticum,' addressed by a father to his son,

'Hiberno pulvere, verno luto, grandia farra, Camille, metes.'

4. Fest. p. 333 s. v. *spicum*, 'versus est antiquus,

'Quasi messor per messim unumquemque spicum collegit.'

5. Varro has preserved a charm for pain in the feet, R. R. i. 2, 27—

'Terra pestem teneto: Salus hic maneto.

Hoc ter novies cantari iubet, terram tangere, despuere, ieiunum cantare.' This seems to be a bacchiac rhythm.

6. Mallius Theodorus, lib. de Metris, quotes a sentiment from Marcius vates, which should have been given in the text, p. 289,

'Postremus loquaris primus taceas.'

7. Gell. iv. 5, gives, from the Annales Maximi, a proverb sung against the Etruscan haruspices, translated apparently from Hesiod:—

'Malúm consilium cónsultori péssimum est.'

8. Fest. p. 285, s. v. '*retiario* pugnanti adversus murmillonem cantatur:

'Non te peto piscem peto quid me fugis Galle,'

apparently an iambic septenarius—shorter by a syllable than the usual verse.

Cap. I.—VATICINATIONES. Pp. 288, 289.

The fragments contained in this chapter consist of a Latin version of a Greek oracle from Delphi, and of two predictions attributed to a vates Marcius, of whom

we know nothing, except that he lived before the Second Punic War. Cicero, in his Book on Divination, speaks in one place of 'Marcios quosdam fratres, nobili loco natos,' in another of 'Marcius et Publicius vates,' as prophesying in verse (De Div. i. 40, 89; 49, 115). The personality of these prophets, like that of Bacis in Greece, is very obscure. It is generally supposed that the oracles in the text must have been originally in the Saturnian metre, and this is probable, at least as regards the first and third. But the second shows evident traces of a dactylic rhythm, and can be converted into decent archaic hexameters, with very slight alterations.

'Amnem, Troiugena, Cannam fuge: ne te alieni
Conseruisse manus cogant campo in Diomedis.
Sed neque tu credes mihi donec sanguine campum
Compleris; occisaque milia multa tuorum
Terra ex frugifera magnum in mare deferet amnis;
Piscibus atque, avibusque, ferisque colentibus terram
Esca fuat caro. Nam Iupiter haec mihi fatust;'

or we might begin,

'Amnem, Troiugena Romane, aio, fuge Cannam,
Ne te alienigenae cogant campo in Diomedis
Conseruisse manus,'

and so on.

I do not venture to affirm that these hexameters are the originals, but I certainly think that this oracle was not in Saturnians. Festus (Ep. p. 73) has a note which may refer to it, 'Diomedis campi in Appulia appellantur, qui ei in divisione regni, quam cum Dauno fecit, cesserunt.'

3. *vomica*, properly an ulcer, used here, in a general sense, for a plague or curse. It may be connected, etymologically, with *vomo*, Gk. ἐμέω. *Praetor*, 'magistrate,' cp. note on Ius Fetiale *e*, p. 555. *negumate* = negate.

Cap. II.—LIVII ANDRONICI FRAGMENTA. Pp. 289, 290.

Introduction to the Works of Livius Andronicus.

§ 1. Life.

Livius Andronicus (circa 470–550 A.V.C.), whose name suggests a Greek parentage, was a slave taken at the surrender of Tarentum, which ended the war with Pyrrhus (V.C. 482, B.C. 272). He was brought to Rome by his master, Livius Salinator—probably the same as the conqueror of Sena and the colleague and rival of Nero. He was at first employed as tutor to his master's sons, in which he succeeded well enough to earn his liberty. He then began to teach on his own account, and translated the Odyssey into Saturnian verse for the sake of his pupils. It was not till after the conclusion of the First Punic War that he came forward as a dramatic author or adapter at the Roman games, in which he himself took part as an actor. He did not indeed claim the title of *poet*, which he hardly deserved, but as a *scriba* or writer acquired a just reputation (Fest. s. v. *scribas*, p. 333). The victory at Sena (V.C. 547) was a fit occasion for a public

recognition of his services. He was ordered by the pontifices to prepare a thanksgiving hymn: and at the same time the scribae and histriones received in his honour some of the rights of a corporation, and a place for common worship in the Temple of Minerva on the Aventine.

§ 2. TRAGEDIES.

Of the tragedies we have a few fragments of the Aegisthus, Aiax, Andromeda, Tereus, Equus Troianus; but they are not sufficient to enable us to form any regular judgment upon him. They must have been, however, bald imitations or adaptations of the Greek, with perhaps occasional good lines. The following have some merit:—

Ex Aegistho, 5. Tum autém lascivum Nérei simúm pecus
ludéns ad cantum clássem lustratúr.

Ibid. 13. Quin, quód parere míhi vos maiestás mea
procát, toleratis témploque hanc dedúcitis;

spoken probably by Agamemnon of Cassandra (Conington, Misc. Works, p. 300).

Andromeda, 16. Cónfluges riví conventu cámpum totum inúmigant.

Ex inc. fab. 28. Florem ánculabant Líberi ex carchésiis.

The line (37) to which exception has been taken as grotesque—

Quem ego néfrendem alui lácteam immulgéns opem—

has been shown by Professor Conington to be 'a tolerably close rendering' of Aeschylus, Cheoph. 897, and is certainly no more strange than many lines of the Greek poet. (Misc. Works, p. 301, n.)

We have three names of *palliatae*—Gladiolus, Ludius, Verpus—but the fragments are of very trifling importance.

§ 3. TRANSLATION OF THE ODYSSEY.

I have adopted generally the arrangement of Dr. Ottomar Günther in a programme of the Greiffenberg Gymnasium, Easter, 1864, though I have departed not unfrequently from his notation of the metre. As these fragments of the Odyssey are not very easy of access, I have thought it well to give the whole of them, as well as those of Naevius' Punica, according to Vahlen's arrangement. The fragments of the plays and annals of Ennius, and of the plays of the other poets, can be easily seen in full in Ribbeck and Vahlen. I am indebted to Mr. Merry (who is engaged on a large edition of the Odyssey) for several suggestions.

The translation of the Odyssey by Livius has been severely criticised by Mommsen—too severely, considering the insufficient data (R. H. ii. pp. 420, 421, E. T.). No doubt it was bald and inexact, and probably very much curtailed. For instance, lines 4 and 5 are a rendering of Od. i. 64, 65:—

τέκνον ἐμὸν ποῖόν σε ἔπος φύγεν ἕρκος ὀδόντων;
πῶς ἂν ἔπειτ' Ὀδυσῆος ἐγὼ θείοιο λαθοίμην;

Lines 23–26 as they stand are an awkward reproduction of viii. 138, 139:—

οὐ γὰρ ἔγωγέ τί φημι κακώτερον ἄλλο θαλάσσης
ἄνδρα τε συγχεῦαι εἰ καὶ μάλα κάρτερος εἴη.

Mommsen gives two instances of misrendering: the first, the difficult passage, lines 34–36, which editors generally alter in various ways, but which may, I think, give better sense and metre as it stands in the text of Festus, with the alteration of *Circeu* to *Circai*, and of *inscrinuntur* to *interscrinuntur* with Ritschl. It describes the return to Circe after the Necyomanteia, Od. xii. 8 foll. The first line, *toppér citi ad aedis venimus Circai* will then answer to δὴ τότ' ἐγὼν ἑτάρους προΐειν ἐς δώματα Κίρκης, rather than be a thoughtless substitution for Circe's visit to the ships. Livius very probably curtailed the story by the omission of the burial of Elpenor. The nominative to *portant* will be *ancillae* or ἀμφίπολοι, and *eorum* will be = *sociorum*. They had left their κτήματα (x. 404, 424) or *duona* in caves by Circes' direction. No doubt this is a paraphrase rather than a translation, and, if we rightly apprehend it, will not give us a high idea of Livius' powers. The other phrase which Mommsen criticises is less open to attack. It is incredible that *affatim edi bibi lusi* can be meant for a translation of Od. xv. 373, τῶν ἔφαγόν τ' ἔπιόν τε καὶ αἰδοίοισιν ἔδωκα, as Scaliger thought. It is a sentiment common enough in itself, and is placed by Ribbeck, with great probability, among the comic fragments. For similar lines amongst the ancients (who seem to have attributed the thought to Sardanapalus) see the commentators on Horace's imitation, Ep. ii. 2, 214.

§ 4. Prosody, etc.

The metres used by Livius in tragedy and comedy were, as far as we know, the iambic senarius, the trochaic tetrameter catalectic and the cretic dimeter. The fragments of the Odyssey are in the Saturnian metre, with the exception of lines 32, 41, and 42, which are hexameters. These I have not thought it worth while to force into Saturnians, though it has frequently been done. Whatever they were in their original form, they must, I think, have been quoted by Priscian as hexameters, and *may* have been so written by Livius.

The general rules of the Saturnian metre are given above, Introd. to Epitaphs of the Scipios, p. 397. It may be sufficient to note here the chief peculiarities of ancient prosody, which are observable in these fragments and those of Naevius' Punica. Parallels will be found in the Introduction: cp. also Introduction to Ennius, § 4.

I. Archaic Long Final Vowels.

(1.) *a* of nom. fem. Liv. Od. 3, *meắ pucrắ*; 4, *meắ* puér; 15, *sanctắ* puér Satúrni *filiắ* regína; 40, vestís *pullắ* purpúrea; Naev. Pun. 29, *primắ* incedit.

(2.) *a* of neut. pl. Liv. Od. 18, utrúm *genuắ* amplóctens; 35, simúl *duonắ* eórum (?); 36, *miliắ aliắ* in ísdem; 45, *bálteắ* auráta (?); Naev. Pun. 23, incránt *signắ* expréssa; 33, *ságminắ* sumpsérunt.

(3.) *e* of abl. sing. Liv. Od. 4; éx tuo *óre* aúdio (not elided, as orig. long); Naev. Pun. 3, *órdinĕ́* ponúntur; 14, senéx fretús *pietátei* (?).

(4.) *e* in *que*. Liv. Od. 11, Tunc*quĕ́* remós iússit; 12, ibídem*quĕ́* vir súmmus; 13, at*quĕ́* escás habeámus; Naev. Pun. 24, mágni*quĕ́* Atlántes; 25, Runcús at*quĕ́* Purpúreus; 33, scopás at*quĕ́* verbénas; 61, véstem*quĕ́* citrósam.

(5.) *or* in nom. masc. Naev. Pun. 43, verúm *praetŏ́r* advénit; 46, *dictatŏ́r*, ubi cúrrum insédit.

(6.) *us* in nom. masc. Naev. Pun. 25, *Runcŭ́s* atqué Purpúreus; 30, *inclutŭ́s* arquítenens; 31, *Pýthiŭ́s* Apóllo; 63, simúl *aliŭ́s* aliúnde.

(7.) *bus* in dat. pl. Naev. Pun. 8, *cápitibŭ́s* opértis.

(8.) *a* in 3rd sing. of 1st conj. Liv. Od. 24, *peius mācerắt* homónem; Naev. Pun. 43, *aúspicắt.*

(9.) *e* in 3rd sing. 2nd conj. Naev. Pun. 51, *censḗt* eo ventúrum.

(10.) *i* in 3rd sing. 3rd conj. Liv. Od. 33, tópper *facĭ́t* homónes, cp. 41, *mandissēt* impius Cyclops (?).

(11.) *e* in imperative. Liv. Od. 1, *insecé* versutum.

II. Synizesis.

Liv. Od. 3, *tuo;* 4, *audio;* 24, *peius* (?); 36, *milia.* Naev. Pun. 10, *eorum;* 12, *strenui;* 26, *eius;* 32, *atrocia;* 52, *moenia, Lutatium;* 54, *Sicilienses.*

III. Diaeresis.

Liv. Od. 25, *cŭi* or *quoiei* (?); 34, *Circāī* (?); 45, *aurátaé* or *aurátai. Circai* seems very natural, especially as Ennius never uses the contracted genitive in the Annals.

IV. Archaic shortened Vowels.

Liv. Od. 16, *Calĭpsonem;* 20, *domŭm;* 21, *pulcerrimĕ.*

Naev. Pun. 40, *ĕxercitus.* See note.

V.

To these we may add the archaic forms of declension.

Liv. Od. 4, 15, *puer,* fem.; 7, *dīes* (?); 24, 33, *homōnem, homōnes* (cp. Naev. 21); 43, *carnis,* nom. Naev. 26, *quietem,* adj.

Gen. in *as.* Liv. 13, *escas;* 27, *Latonas;* 29, *monetas;* Naev. 6, *fortunas;* 25, *terras;* 33, *verbenas* (?).

Abl. in *d.* Liv. 5, *ted* (?), Naev. 8, *Troiad.*

Voc. Liv. 2, *filie;* 5, *Laertie.*

Notes on the Fragments of the Odyssey.

1. *insece,* active form instead of deponent *sequor.* Gellius (xviii. 1) quotes also from Cato (see Jordan, p. 42, note) and Ennius (Ann. x. 332 V.):

> 'Insece, Musa, manu Romanorum induperator
> Quod quisque in bello gessit cum rege Philippo.'

Cp. Fest. Ep. p. 111. *insexit* dixerit, also from Ennius.

Camena = Casmena, Carmena, cognate with *carmen, Carmenta,* but not with *cano.*

3. *supra,* Fleck. alters to *supera.*

6. *polubrum* = pelvis. This answers to Homer's phrase, *ὑπὲρ ἀργυρέοιο λέβητος,* while *aureo ex gutto* = *προχόῳ . . . . χρυσείῃ,* 'into a silver basin out of a golden ewer;' *ex gutto* is therefore better than Müller's *eglutro* = *ἐκλούτρῳ,* ingenious as that is.

7. *dies.* I have ventured to scan *dīes,* and to suggest a completion of the line

= τίπτε δέ σε χρεώ; There seems no reason why the *i* should not sometimes be long here, as in *dius, dia, divus*, e.g. sub *dio*, Lucret. iv. 211; cp. Fest. p. 71. See note on Enn. Ann. 114.

9. *Morta.* Caesellius Vindex, according to Gellius, said the three names of the Parcae were Nona, Decuma, Morta. The first two, says Preller, were goddesses of birth (called from the month of parturition), the third a goddess of death (p. 564). From *Morta* such words as mortalis, etc. are perhaps derived, and not directly from *mors*. Cp. note on *Feralia*, Calendar.

10. *ommentans*, frequentative of obmanens. The simple *manto* is rather more common.

11. *rēligare*. On the long *rē* for *red*, see Corssen, ii. 465 foll.

struppis, 'with *straps*,' from Greek στρόφιον (?).

14. *partim errant* does not really answer to Od. iv. 495, πολλοὶ μὲν γὰρ τῶν γε δάμεν πολλοὶ δὲ λίποντο. Mr. Merry suggests a parallel in line 558, referring to Ulysses, ὁ δ' οὐ δύναται ἣν πατρίδα γαῖαν ἱκέσθαι, but neither *partim* nor the plural seems to allow this.

15. *Sancta puer.* I am indebted to Mr. Merry for the suggestion that this is a translation of the line, Ἥρη πρέσβα θεὰ θυγατὴρ μεγάλοιο Κρόνοιο, which occurs Il. v. 721, but not in our present texts of the Odyssey. Livius *might* have had it in his: at any rate, he must have had the line in his mind, if he used these words merely to amplify πότνια Ἥρη.

17. *igitur* = tum. See Introd. to XII Tab. p. 512 f. It answers to καὶ τότ' Ὀδυσσῆος λύτο γούνατα καὶ φίλον ἦτορ.

19. *donicum.* See Corssen, Kr. N. 155, 156. *Vehentem*, intrans.; so Quadrigar. ap. Gell. ii. 2, 13, 'consul obviam in equo vehens,' Cic. Brut. 97, 331, etc.

21. *pulcerrimē*, so, regularly, *benĕ, malĕ*: often *probĕ*, Plaut. Poen. v. 5, 1, Pseud. 603, Persa, 650 (ex coni. Ritschl). See further Wagner, Aulul. p. xxiv.

22. *nauco*, 'a white handkerchief.' Some derive from *naucus* pomi putamen, says Festus. The line seems an inference from Homer's δάκρυ' ὀμορξάμενος κεφαλῆς ἀπὸ φᾶρος ἕλεσκεν rather than a translation.

25. *topper*, gen. derived from *toto opere*. I have suggested a slight transposition which would seem to make better sense and metre, as Homer has ἄνδρα γε συγχεῦαι εἰ καὶ μάλα καρτερὸς εἴη. *Peius* would in this case be a disyllable, possibly a trisyllable *pĕius*; anyhow *cui* (*quoi* or *quoiei*) must be a disyllable, and after *mărĕ* a thesis must be suppressed.

29. *Monetas* (monere), here a translation of Μνημοσύνη. *Monetas filia* = Musa. Μνημοσύνης θυγατὴρ is, however, not Homeric. The person probably meant is Demodocus.

30. Günther adds the same from Diomedes with *nexabant.*

33. *veris* (i. e. verres) *vel* is not a conclusive emendation for *utrius*, especially as Homer has ἢ σῦς ἠὲ λύκους ποιήσεται ἠὲ λέοντας; but *sueris* = *sues* seems certain. Cp. Varro, L. L. v. 110, Fest. p. 330, s. v. spetile. [The line ought to be pointed in the text *véris vél súeris.*]

34. See Introduction, p. 569.

37. *fitum est*; cp. *fitur*, pro *fit*, Cat. ap. Prisc. viii. p. 377, H, Jordan, p. 42. Other

irrational forms are *potestur*, *possitur*: cp. *caletur* (Plautus) *poenitetur* (intp. S Irenaei).

38. *parcentes praemodum*, part perhaps of translation of οὐδ' ἔπι φειδώ.

39. *gavisi* = gavisus sum. Priscian also quotes from Cassius Hemina, 'idque admiratum esse *gavisi*.' I can nowhere discover the parallel line in the Odyssey.

43. *carnis*, nom. sing. *anclabatur* only here and in Fr. Trag. It is generally said *anclo* = ἀντλῶ, but Corssen connects it, no doubt rightly, with *Anculi*, *Anculae* (dii Ministri), *ancilla*, and *Cup-encus* (bonus minister). See i. 40, n, ii. 430, 524.

45. *auratae vaginae.* Nothing really like these words occurs in the Odyssey, and as Nonius simply quotes from Livius, lib. viiii, we are tempted to look for them in the ninth book of the Historian, especially in the description of the gilded Samnite legion. But there is no trace of them there. Mr. Merry acutely suggests that *auratae vaginae* is the dative, and *illis*, a corruption due to a misconstruction of it—being perhaps originally *illic.* This being the case we should have a near approach to the lines of the Iliad, xi. 29 f. (see on line 15):—

ἀμφὶ δ' ἄρ' ὤμοισι βάλετο ξίφος, ἐν δέ οἱ ἧλοι
χρύσειοι πάμφαινον, ἀτὰρ περὶ κουλεὸν ἦεν
ἀργύρεον χρυσέοισιν ἀορτήρεσσιν ἀρηρός.

Even here we only get gilded straps to a *silver* scabbard, though containing a gold-studded sword.

Cap. III.—CN. NAEVII FRAGMENTA. Pp. 292–299.

Introduction to the Fragments of Cn. Naevius.

§ 1. Life.

Cn. Naevius was but little younger than Livius, but while the latter was teaching and translating the Odyssey in Rome he was serving as a Campanian 'socius' in the First Punic War. Five years after the first performance of Livius, he brought out his first play. His attacks on the nobility, which rivalled, if they did not exceed, in bitterness the freedom of Aristophanes, caused him to be thrown into prison (Gell. iii. 3, 15, cp. Plautus, Mil. Glor. 211 f.). The common story of his particular quarrel with the Metelli is inconsistent with the consular Fasti, and is only given in the late commentator on Cicero's first Verrine. His subsequent banishment is, however, connected by St. Jerome with the name of Metellus (anno v. c. 550). He chose Utica as his place of retirement, and there, it would seem, solaced his old age by the composition of the verse chronicle, the chief subject of which was the war in which he had served as a young man.

§ 2. The Punica.

I have given all the fragments that remain of the *Punica*, following, on the whole, Vahlen's edition, Leipsic, Teubner, 1854, 4. The first two books would have been important, if they had been preserved, as the first Latin account of the legend of Aeneas. Just before the time of Naevius, the Sicilian historian Timaeus had made a definite story out of the floating fragments of legends relating to Aeneas, Romulus, and Ulysses. He represented Aeneas as the founder of

Lavinium, to which he brought the Trojan Penates, and afterwards as the founder of Rome in the same year as the foundation of Carthage. Prof. Mommsen does not hesitate to assert that the part of the legend about Lavinium was a mere fiction of the 'gossip-monger' Timaeus (R. H. i. p. 183, E. T.). Polybius certainly attacks Timaeus, but then Polybius was a rationalist, Timaeus a collector of myths. However the legend may have grown, Naevius certainly made a great step in filling out the story, so as to be frequently followed in detail by Vergil. In his first book Aeneas and Anchises are represented as leaving Troy in the night with their wives weeping by their sides. They carry with them, no doubt, the Penates (l. 3) as well as considerable wealth, and are accompanied by a large following. They have, however, only one ship, built by Mercury. On their voyage they meet with a storm, as in the Aeneid, and Venus makes a similar complaint to Jove and receives similar consolation from him in the prophecy of Rome's future greatness. The story of Carthage was also interwoven; Anna and Dido were both represented as daughters of Agenor, and to the latter, it would seem (though not without some hesitation), the words must be referred, 'blande et docte percontat Aeneas quo pacto | Troiam urbem liquerit.' We do not know whether the love-story was already part of the epic, or a later invention of the great poet. There was, we know, mention of the Sibyl and of Prochyta, but other circumstances are not known. Romulus was described as the grandson of Aeneas, with a happy carelessness of chronology that Vergil might have done well to imitate, and which Ennius actually followed. As far as we can judge, these first books exhibited some imaginative power as well as vigour of style; the later historical books seem, from the fragments, to have been merely chronicles in metre, no doubt with a certain swing of narrative, but not exactly poetical.

§ 3. Dramatic Works.

Of the tragedies of Naevius we have a few lines more than of those of Livius—not enough really to 'enable us to realise the "immense chasm" which Mommsen affects to perceive between his productions and the "quasi-poetry of Livius,"' though we need not doubt that Naevius did make a considerable advance upon his predecessor (see Conington, l. c. p. 304). The comic fragments are somewhat more lengthy, and contain some striking lines. The reputation of Naevius for comic licence of invective is well known and is to a great extent supported by them.

Of the *fabulae praetextatae*, or Roman historical dramas, we have little but the names *Clastidium* and *Romulus* or *Alimonium Romuli et Remi*, the first an account of the exploits of Marcellus, who at that place (now Casteggio) took the spolia opima from Viridomarus, king of the Gaesatae, a tribe in alliance with the Insubrian Gauls, B. C. 222, i. e. just half way between the end of the First and the Second Punic Wars.

The poetical period of Naevius' life and the earlier period of Plautus' thus fell in with the great struggle with Hannibal. It is noticeable that these two great men were both provincials, the one from Campania, the other from Umbria, yet

already Latin literature was identified with Rome; for of them we must interpret the lines, written indeed by a poet of a later age,

'Poenico bello secundo Musa pinnato gradu
Intulit se bellicosam in Romuli gentem feram.'
Porcius Licinus, ap. Gell. xvii. 21.

Notes on the Punica. Pp. 292–296.

5. *castus* = castimonias, abstinence from enjoyments of sense, especially fasting. Dionysius says of the castus Cereris, i. 33, *ἱδρύσαντο δὲ καὶ Δήμητρος ἱερὸν, καὶ τὰς θυσίας αὐτῇ διὰ γυναικῶν τε καὶ νηφαλίους ἔθυσαν, ὡς Ἕλλησι νόμος.* Cp. Arnob. v. 7, 'Quid temperatus ab alimonio panis, cui rei dedistis nomen castus? Nonne illius temporis imitatio est, quo se numen ab Cereris fruge violentia maeroris abstinuit?' (See Preller, 438 n, 736 n.) Cp. *lamella Bononiensis,* note, p. 412.

18. *lepistas*, Gr. λεπαστή, 'goblets.'

19. *blande.* This is only referred conjecturally to Dido, first by Lipsius and then by Niebuhr. Nonius quotes it from the second book, and hence Klausen gives it to Latinus or Evander.

percontat = percontatur. This form is better supported than that with a *c*, *percunctari*, etc., and is derived by Verrius Flaccus (followed by Corssen) from *contus*, 'a pole,' 'ex nautico usu quia (qui a, M.) conto pertentant cognoscuntque navigantes aquae altitudinem.' Fest. p. 214, M., Corss. Kr. Beitr. p. 4, Kr. Nachtr. p. 42. On the other hand, this separates *percontor* from *cunctor*, which has sometimes the meaning of hesitating intention not far removed in idea from questioning. It is generally derived from a root *cank-*, suspicari, dubitare, diffidere.

33. *scopas*, generally only in plural, scopae, 'twigs,' 'shoots;' hence a broom, e.g. in the proverb 'scopas dissolvere.' *Verbenas* appears to be the genitive case, or else *sagmina* is in apposition. For the meaning see on the *fetiales*, p. 552 f.

34. *M(arcus) Valerius.* This is referred by Charisius to the first book, but appears to belong to the beginning of the First Punic War, U. C. 491, Eutrop. ii. 19, 'Insequenti anno Valerio Marco et Otacilio coss. in Sicilia a Romanis res magnae gestae sunt.' In Polyb. i. 16, and the Fasti Cap. the praenomen is *Manius*.

exerciti, genitive of *o* declension, generally used by the dramatists, Introd. ix. §§ 16, 17.

partem, unelided, as Liv. Od. 14, *partim errant.*

37. *stupro* = turpitudine. It appears to be from root *stap-*, and most nearly akin to its derivatives, *stupeo* and στυφελίζω. The first meaning seems to be 'striking,' 'ill-treatment,' then 'contumely,' 'disgrace,' generally with a sense of violent handling.

39. *fieri.* See on *Lycurgus*, 50.

40. *Melitam.* Oros. iv. 8, ap. Vahlen, 'Atilius (Regulus) consul Liparam Melitamque insulas Siciliae nobiles pervagatus evertit.'

We must scan *ĕxércitus.* *Ex* is short in Plautus, Stichus, 716, 'éripe *ex* ore tíbias;' Mercator, 176, 'tú quidem *ex* ore óràtionem mi éripis.' And there are the following four instances of the same prosody as here in one play of Plautus, in *ĕxércitum*, Amphitr. prol. 101, 125; ab *ĕxércitu*, ibid. 140; ad *ĕxércitum*, i. 3, 6. See Wagner, Aulul. Introd. pp. xxxv, xlv, xlvi. *Integram* is hypermetric, elided

before *urit*. There is therefore no need for the emendation, or rather alteration, adopted by Vahlen:—'Transit Melitám Románus ínsulam íntegram ómnem;' of the last word of which he naively says, 'omnem *om. libri*.'

42. *vicissatim*, 'haec conveniunt Reguli sorti,' Vahlen.

46. *Dictator*. These lines are referred by Ribbeck to a comedy. They are quoted by Varro to illustrate the use of *oppidum* for the carceres of the circus. Vahlen, with I. V. Francke, refers to Claudius Glicia, who 'coactus abdicare se magistratu postea ludos praetextatus spectavit,' Liv. xix, epitome.

48. *septimum decimum*. Klussmann refers this to the occupation of Sicily by Aurelius Cotta and Servilius Geminus, V. C. 506, Zonaras, vii. 16.

50. *convenit*, sc. Hiero.

53. *id quoque*. I have followed the MSS. of Nonius here more closely than Vahlen. *Idem* probably is meant for Naevius, and indicates another citation. The lines no doubt refer to the peace concluded by C. Lutatius Catulus with Hamilcar, by which the First Punic War was ended, B. C. 244. *Paciscunt út moenía sint* is very obscure. *Moenia* is probably to be taken as = *munia*, as in Fest. p. 151; but it must be in a loose sense, 'they agree to perform the conditions (or services) which are to reconcile Lutatius,' i. e. which he imposes as terms of peace. The restoration of captives is mentioned by Polybius, i. 62, as one of the conditions, ἀποδοῦναι Ῥωμαίοις χωρὶς λύτρων ἅπαντας τοὺς αἰχμαλώτους.

58. *decŏrem*, adj. Priscian also quotes 'armis *decoribus* cultus' from Sallust. Ought we not to read *dítemqué*? It may refer to the sack of Troy. Cp. Verg. Aen. ii. 763 foll.

59. *ratem*, cited as an instance of the use of *ratis* for a navis longa.

61. *citrosa*, 'quasi concrispa ad similitudinem citri,' Isidore. Macrobius thinks of the fragrance, and compares Homeric εἵματα θυώδεα.

62. '*flustra* motus maris sine tempestate fluctuantis.' Isidor. de Nat. Rer. c. 44.

65. *sardare*. Varro quotes *sarrare*, which gives an instance of the interchange of *d* and *r*. *Sardare* is connected by Corssen with *su-surr-us*, *ab-surd-us*, *sor-ex* (shrew-mouse), Gk. ὕραξ, σύριγξ, συρίζω, from root *svar*, to sound. *Sardare* will then mean to speak, be intelligent, the opposite of βάρβαρος (i. 488, ii. 64, 165).

71. *Luca bos*, elephas. Varro gives the generally accepted explanation found 'in commentario Vergilii'—I suppose an editor of Naevius—that it was so called because first seen by the Romans in Lucania in the army of Pyrrhus. Another commentator, Cornelius, connected it with Libya. Varro himself derived '*ab luce* quod longe relucebant propter inauratos regios clupeos.'

73. *Samnite*, a neuter of *Samnis*.

Lucetius, much the same as Diespiter. Cp. the fragment of the Salian hymn, p. 565, and Macrob. Sat. i. 15, 14; Serv. in Aen. ix. 570, quotes it as Oscan.

runa, according to Corssen, i. p. 210, has lost a *d*. Cp. Skr. *dru-na*, 'sword,' from root *dru-*, 'to slay.'

supparum, another form of *siparium*, 'a linen chemise,' sometimes also a small sail, as in Lucretius.

pro moene, so '*pro* aede Castorus.' See p. 424. This is quoted as from Ennius by Festus, but assigned by Müller to Naevius.

Notes on the Tragic Fragments. Pp. 296–298.

LYCURGUS. The myth of Lycurgus and Bacchus was very differently told by ancient writers. See Homer, Il. vi. 130, Sophocles, Antig. 955, Apollodorus, Bibl. vii. 5, Hyginus, Fab. 132, 242, and others. Naevius, as far as we can see, followed another form of the legend, which may perhaps have been that of Aeschylus' Lycurgeia, though the fragments of the Edonians which remain offer no distinct points of comparison. Nor does the story of Pentheus, as told by Euripides in the Bacchae, help us to many direct illustrations, though one or two will be noticed below; and the feeling of the two plays probably had much in common.

The following quotation from Prof. Conington, p. 303, will enable the reader to put the scattered fragments into something like shape and order. 'We see the Bacchants,' he says, '"thyrsigerae Bacchae Bacchico cum schemate," carrying crested snakes high in the air, and ruining the tilled fields—*arva* being used as a feminine noun—wherever they tread. Lycurgus seems to command his servants "vos qui regalis corporis custodias agitatis," to take these disturbers of the good order of his kingdom on a hunting expedition into the forest, where trees grow of their own will, not planted, "ingenio arbusta ubi nata sunt non obsita," that when they get into his hunting grounds they may be trapped themselves and leave the light of day like two-legged birds by a snare. The victims apparently suspect him, and express their fear that in the thrill and rapture of the chase "in venatu vitulantes," he will send them out of his forests with some savage vengeance as their guerdon "poenis decoratas feris." Bacchus, however, is captured and brought before the king, when an altercation ensues, of which two or three fragments have been spared, Lycurgus boasting of the wrath of his savage disposition and the fierce ferocity of his spirit, "feri ingeni iram atque animi acrem acrimoniam," and being warned not to set up his wrath in competition with the wrath of Liber. Further on we get a glimpse of the burning of the palace, the cross-beams far and wide all in a glow, and the whole building bursting and shining like a flower under the hand of Vulcan, and we hear a voice calling loudly for king Lycurgus, the son of Dryas.'

22. *alte iubatos*, an emendation for *iugatos*: so Plautus, Amph. 1108, 'devolant *angues iubati* deorsum in impluvium duo.' Cp. Bacch. 695, καὶ καταστίκτους δορὰς | ὄφεσι κατεζώσαντο λιχμῶσιν γένυν.

24. *arvas*, cp. *extae, sertae.* See on Carm. Arv. 4. For the thought, cp. perhaps, Bacch. 445, 6, and more nearly 748–754.

27. *actutum; tum* is here enclitic, just as *num* in *etiamnum, dum* in *agedum*, etc. *Ingenio*, i. e. natura. *Arbusta* = arbores metri caussa, so always in Lucretius for nom. and acc., Monro, Lucr. i. 187; so too Ennius, Ann. 193, 'incedunt *arbusta* per alta.'

29, 30. I can offer no adequate explanation of the meaning of this line.

31. These lines have been variously dealt with. I have given the MS. reading, which, with the slight change of *ubi bipedes* to *ut bipedes*, can be made to scan and construe. *Alis* has been generally changed to *alii*, and probably rightly, but

it *may* be a nom. pl. in *s*; see Intr. ix. § 7. *Sublimem* or *sublimen* is obscure. It may possibly be an adverbial accusative, like *autem*, *pridem*, and no doubt signifies 'aloft,' 'to the heights.' Cp. Festus, p. 306, and Ep. p. 307, '*Sublimem* est in altitudinem elatum,' where this very passage may possibly have been omitted by Festus in his epitome of Verrius. Muller's note is 'ex versu quodam ductum esse videtur, Festus non apposuit.' It would be easy to conjecture *sublime in*. The words are somewhat similar to Bacch. 957. 8, but the thought is different.

34. *vitulantis*, an obscure word, derived by Corssen from the sacrifice of a *vitulus*, and compared with *ocan*, Kr. Beitr. p. 10. Kr. Nachtr. p. 45. We might perhaps be rather inclined to suggest that the idea was taken from the gambols of the calf—the word seems generally to imply dancing or leaping for joy—and this derivation is actually given by Festus, Epit. p. 369, 'laetans gaudio ut pastu vitulus. Ennius, "Is habet coronam vitulans victoria."' Cp. also Varro, L. L. vii. 107, who says, 'in Clastidio *vitulantes* a vitula; in Dolo *caperata fronte* a caprae fronte'—which comparison certainly deserves notice. The metaphor would be in place here, as we see by comparing Eur. Bacch. 162 f., ἡδομένα δ' ἄρα | πῶλος ὅπως ἅμα μάτερι φορβάδι | κῶλον ἄγει ταχύπουν σκιρτήμασι βάκχα, and 866, ὡς νεβρὸς χλοεραῖς | ἐμπαίζουσα λείμακος ἡδοναῖς. There is, however, the goddess *Vitula* to be accounted for, who is mentioned Macrob. S. iii. 2, 13 (and whom Mommsen would connect with the *Vitoria* of the mirror mentioned above, C. 58, q. v.). This leaves a difficulty which cannot be easily explained.

35. *locis* need not be changed to *lucis*.

38. *ignotae* = ignarae, so used by Cicero, Phaedrus, and Nepos.

iteris, the regular genitive of *iter*: the grammarians speak also of *itiner*.

40 foll. recall the dialogue of Bacchus and Pentheus, Bacch. 451–519.

41. *sis* = si vis, so *sultis*, Enn. Ann. 521.

44. I have here retained the MS. reading, though it may not be correct. *Cis rapit sed* must mean (if it can mean anything) 'draws itself aside;' and though there is no absolute usage of *cis* elsewhere that I can discover, it does not seem impossible: *sed* would be parallel to *med* of the Cista Ficoroniana and *sed* of the S. C. de Bac., etc. See Intr. xii. § 5; but it is perhaps only a confusion of *se* with the conjunction that follows, as if it were *sed tamen*. The emendations proposed seem uncertain, though not difficult to make.

45. *nos duplicat*, 'bends us double,' 'bows us.' It is rather commonly used of the effect of a wound, e. g. Verg. Aen. xi. 645, 'latos huic hasta per armos | Acta tremit *duplicatque* virum transfixa dolore,' and by poets of the silver age.

46. The metrical arrangement of these lines is uncertain: Ribbeck's may be right, but Junius' *propter* for *praeter* seems mere licentious alteration. Cp. Varro, Eumen. 33. For the thought compare Bacch. 1051, ἦν δ' ἄγκος ἀμφίκρημνον ὕδασι διάβροχον, e. q. s.

48. *palla* may be either an upper or under garment (amictus or indumentum).

patagium, 'aureus clavus qui pretiosis vestibus immitti solet,' Non. p. 540, 'ad summam tunicam assui solet,' Fest. p. 221. It is difficult to see what connection it can have with Gr. παταγέω or πλαταγέω, though the likeness is evident. *crocota* (tunica), 'a saffron-coloured tunic,' also called *caltula* or *crocotula*. See Non.

p. 548. *malacis* seems doubtful whether to be translated 'soft' or 'mallow-coloured.' *mortualibus*, else unknown as applied to dress, though we have *mortualia*, sc. 'carmina' in Plautus, Asinaria, 808, 'haec sunt non nugae: non enim mortualia.'

49. If any alteration is necessary it would be *pecua ut*: applying the simile of animals going willingly to sacrifice, to the death of Lycurgus and those with him.

50. *Vulcáni*, a hiatus. See Lucian Müller, De Re Metrica, p. 309, 'Spondiaca verba non possunt hiare nisi proprio nomine aut Graeco.' He quotes Ennius, Epigr. 1, 'Senis Enni imagini' formam,' and Verg. Georg. i. 437, 'Glauco et Panopeae et Inoo Melicertae,' and others. This rule applies of course only to words in thesis: for such hiatus in arsis is very common with all sorts of words, as 'munera sunt lauri et suave rubens hyacinthus,' etc. etc. *fīeri* is the older form, and is found above, Pun. 39, and in Enn. Ann. 15 we have *fīĕrĕ*. It occurs rather often in Plautus, e. g. Stich, 564, 'quía nequit, qua lége licuit vélle dixit fíeri,' Pseud. 786, 'quamquam íllut aiunt mágno gemitu fíeri,' Mil. 1218, Men. 923, Most. 41, 723, and so *inter-fieri*, Trin. 532, *confieri*, Pacuv. Trag. 180, and others. (Cp. Corssen, ii. 680.) The fact that this word in all these cases where it is found in the drama forms the final cretic is a confirmation of the transposition *flora fieri*, necessary for the metre.

We are no doubt to understand here a real burning of the palace of Lycurgus, not a mere shaking of its beams and columns and an exhibition of electric light, as in the house of Pentheus, Eur. Bacch. 585 foll.

52. *cette* for *cedite*, literally, 'give here,' 'bring here.' The word occurs Plaut. Merc. 965 R, 'Uxor tibi placatá et placidast: *cette* dextras nunciam,' Enn. Med. 236, '*cétte* manus vestrás measque accípite,' Att. Tr. 425, Pacuv. Tr. 63, Ribbeck. *Ce-do* is for *ce-da*, the vowel changing as in *donum*, *dos*, etc.

53. *candor*, 'of snow,' or perhaps 'hoar-frost.' Cp. Bacch. 678, *ἡνίχ' ἥλιος | ἀκτῖνας ἐξίησιν θερμαίνων χθόνα.*

Notes on the Comic Fragments.

LUDUS. That this was some kind of *satura* appears from Festus, p. 257, quoted by Ribbeck. Cp. the title given to Seneca's mixed prose and poetical satire, '*Ludus* de morte Claudii.'

TARENTILLA. 'Cp. Ταραντῖνοι Alexidis. Adulescentes duo cum peregri, Tarenti ni fallor, rem paternam disperdant improviso a patribus visuntur. Quorum alterius amica erat Tarentilla,' Ribbeck.

Quae ego in. 'Not without reason might Naevius declare the position of the poet under the sceptre of the Lagidae or Seleucidae enviable as compared with his position in free Rome,' Mommsen, R. H. ii. p. 432, E. T.

quase pila. These lines are quoted (in a sort of iambic form) by Isidore as Ennius', 'de quadam impudica,' but Festus, Ep. p. 29, quotes the line, *alii adnutat, alii adnictat, alium amat, alium tenet*, as from this play of Naevius. This seems rightly to have led critics to restore both the metre and the author's name.

The train of thought is not unlike that in Plautus, Asinaria, where the conditions which are to govern Philenium's conduct are read out by the parasite (774 foll.):—

'Suspitiones ómnes ab se ségreget.
Neque illaec ulli péde pedem [usquam] homini premat,
Quom súrgat, neque [illa] in léctum inscendat próximum,
Neque quóm descendat índe, det quoiquám manum.
Spectándum ne quoiquam ánulum det néque roget.
. . . . . .
Neque úlli illa homini nútet nictet áduuat.'

Isidore quotes as a parallel Prov. vi. 13, 'annuit oculo, terit pede, digito loquitur.'

TUNICULARIA. *Theodotum*, an instance of Naevius' licence in direct personal satire. The point is, however, very obscure. Preller refers to the popular shows of gladiators and athletes at the Compitalia, 'the playing Lares most probably must have represented the usual amusements of these games,' Röm. Myth. p. 495. *peni* = cauda, a large brush made of an ox-tail, 'e codis extremis faciebant antiqui,' Fest. p. 230, so *peniculus*, *penicillus*.

108. EX INCERTIS. A satire on the elder Scipio Africanus. 'Among other liberties he not only ridiculed one Theodotus, a painter, by name, but even directed against the victor of Zama the following verses, of which Aristophanes need not have been ashamed,' Mommsen, ii. p. 431.

In these lines we notice *manŭ*, a shortening perhaps elsewhere unexampled (cp. on Enn. Ann. 114), *cuius*, as a monosyllable, and *ăpŭd*. The last line I have pointed differently from Ribbeck, to avoid unnecessary complications of scansion.

112. *Liberalibus*, as if at the Dionysia. There is probably no allusion to the actual Roman Liberalia or Cerealia, which do not appear to have been accompanied with dramatic representations before the time of Augustus. See Ritschl, Parerga, p. 287, Marquardt, R. A. iv. p. 309 n. On the other hand, *Liberalia* is used by the Romans simply as a translation of Dionysia, e. g. by Varro, and Servius ad Georg. ii. 381.

121. *Neptunum Venerem*, i. e. pisces, olera. The name *Venus*, as goddess of the growths of gardens, has been derived from *venire*; but more probably it is to be referred to the root *vin*, 'desire,' as in *vin-dex*, *vin-dicare*, and *ven-ia*. Some would add *vinum*, but this cannot well be dissociated from *vitis*, and seems with *vincire*, *vinculum*, *vinea*, *vitium*, etc., to belong to the root *vi*, 'to bend' or 'bind' (Corss. i. 542, ii. 272).

ELOGIUM. Gellius gives 'Trium poetarum illustrium Epigrammata, Cn. Naevii, Plauti, M. Pacuvii, quae ipsi fecerunt et incidenda sepulcro suo reliquerunt.' This one he characterises as 'plenum superbiae Campanae, quod testimonium esse iustum potuisset nisi ab ipso dictum esset.' The complaint of Naevius, *obliti sunt*, etc., had reference no doubt to the influx of Hellenism, but it can hardly have any bearing on Ennius himself, as has sometimes been conjectured. For Ennius, though doubtless a Hellenist, only first came to Rome in the year in which Naevius went into exile (V. C. 550), and very shortly before his death. If it was

anything more than a boast, it would be a curious instance of the incompetence of men, even of men of genius, to set bounds to the intellectual greatness of the future.

Inmórtalés mortáles, generally rearranged to make accent and ictus coincide, which it is noticeable Naevius does not do.

Camenae . . poetam. Observe the conjunction of the Latin Camenae with the Greek name of poet. This is the first use of the term in extant Latin literature, and no doubt distinguished Naevius from the *scriba* Livius. *Vates* did not become an honourable name till the Augustan age.

Itắque. Ita is an ablative pronoun compounded with the two stems *i-* and *ta-* or *to-*, just the converse of *aliu-ta*, as *i-bi* is of *ali-bi*. *i-tem* is from the same elements. The long *a* is found in a bacchiac tetrameter of Plautus, Capt. 499, '*Itá* me miserúm restitándo retinén lo.' There is therefore no reason for altering *Orci* or *Orchi* (as Hertz prints it) into *Orcino*. The old name of *Orcus* is said to have been *Uragus*, and was derived by Verrius from *urgeo* (Fest. p. 202): modern etymologists generally connect it with *ἕρκος*, to which *orca* perhaps also may be compared. Vergil seems, consciously or unconsciously, to have confused it with Ὅρκος (Georg. i. 260, Hes. Op. 802). The god Orcus is perhaps to be considered as a reaper, and the treasure-house is that in which he stores his harvest (Accius, fr. Trag. (Amphitruo) 92, 'cédo quid mihi redhóstis si *Orci* ut *méssem* obbitet fácilius — ?' Enn. Iphigen. 202, 'Ácherontem núnc obibo, ubi *mórtis thesauri* óbiacent,' Preller, R. M. p. 454).

CAP. IV.—Q. ENNII FRAGMENTA. Pp. 299–314.

Introduction to the Fragments of Ennius.

§ 1. LIFE AND WORKS.

Q. ENNIUS, born at Rudiae, in Calabria, in the year 515 V.C., served as an auxiliary in Sardinia in the Second Punic or Hannibalic War. Here he fell in with M. Porcius Cato, whom he accompanied to Rome, the same year that Naevius left it. The rest of his life was spent in the city or in the provinces in the train of some noble officer. He made many friends, especially in the family of the Scipios, of whose glories the Calabrian Pierides were to be the noblest trumpeters; but for some unknown reasons, perhaps from want of sympathy of taste, he lost the countenance of Cato. About fifteen years later he accompanied M. Fulvius Nobilior to Aetolia, as a sort of private secretary, in fact to celebrate his campaigns in verse, which he did as well in his Annals as in the Praetexta, which described the siege of *Ambracia*. According to a trustworthy tradition, Ennius has given us his own portrait in this capacity in his description of Geminus Servilius in the seventh book of the Annals, q. v. Cato made it a charge against Fulvius, 'that he had taken poets with him into his province' (Cic. Tusc. i. 2, Cato, p. 46, ed. Jord.). Five years later the son of his patron procured him the citizenship, which he acknowledged in the line (ap. Cic. de Or. iii. 42, 268):—

'Nos sumus Romani qui fuimus ante Rudini.'

The Tragedies, of which we possess considerable fragments, were probably the work of his earlier years, the Annals, of his old age (Cic. de Senect. v. 14). It is reported that he died of the gout and in poor circumstances; but he was honoured with a memorial in the sepulchre of the Scipios (Cic. pro Arch. 9, 22, see above, notes to Scip. Elogia, p. 305).

Besides these Tragedies and Annals, on which his fame chiefly rested, he wrote some Comedies, of which we know little, and Saturae, a sort of mean between the farcical afterpieces of the early drama and the more didactic writings of Lucilius. Such were perhaps a book on 'delicate meats' (*Hedyphagetica*), a paraphrase of a Greek treatise by Archestratus: a poem called *Epicharmus*, of Pythagorean tendency: a translation of the *Sacred History* of Euhemerus, of which the fragments at present appear in prose, and lastly, the *Scipio*, of which some five lines remain.

This is not the place to discuss the poetical genius of Ennius, to which justice has been done by Conington, Sellar, and others.

Of the twenty-two tragedies, of which we have fragments, about one half belong to the legend of Troy, already definitely connected with the fortunes of Rome by Cato and Naevius. The most successful imitation appears to have been in the case of Euripides, whose sceptical turn of mind suited the genius of Ennius.

§ 2. The Annals.

I have merely given the chief and most poetical fragments of the Annals, as Vahlen's edition is easily accessible. I have, however, given all that remains of the sixth book, as a sort of specimen of the rest, belonging, as it does, to an interesting period of Roman history,—the war with Pyrrhus.

The whole of the Annals consisted of eighteen books, of which the first extended to the apotheosis of Romulus, the second and third contained the history of the other kings, the fourth and fifth the early history of the Republic, the sixth the wars with Pyrrhus, the seventh the First Punic War (shortened, so as not to compete with the work of Naevius on the same period), the eighth and ninth the Hannibalic War, and the last eight books the more recent history, the last being written in Ennius' sixty-seventh year, three years before his death. The following is a short summary of the first book.

After an invocation of the Muses, or *Casmenae*, and an assertion of his own confidence in the future fame of his poem, Ennius proceeded to give an account of a dream which came to him—perhaps at the port of Luna or Spezzia. He dreamt that as he was sleeping on Parnassus, Homer's shade appeared to him, shedding salt tears, and gave him an account of the nature of things, and of the manner in which they are vivified by the divine infusion of souls. This Pythagorean theory naturally led up to the assertion, in which Ennius seems to have felt great delight, that the soul of Homer, after passing through a peacock, had entered his body.

The proper action, then, began from the death of Priam, and the warning given by Aeneas to Anchises, who, in his turn, prayed Aeneas to join his flight. We have no evidence how Ennius treated the voyage of Aeneas. The mention of Hesperia led to some account of its people and Saturn's reign. Aeneas, directly

after his landing, seems to have been brought into contact with the King of Alba Longa (who fills the place of Vergil's Latinus). After marrying Eurydice (the king's daughter?) he died, and was received amongst the gods, leaving two daughters, the youngest the Vestal Ilia. One of the best-known and most poetical fragments relates her night adventure with Mars, q. v. After the birth of her children she was thrown into the Tiber, receiving an answer to her prayers to Venus and Father Tiber in the prophecy of Rome's future greatness. At this point Ennius seems to have introduced with effect a council of the gods, cp. Aen. x., and perhaps Hor. Od. iii. 3, 16. Upon the promise of Jupiter to Venus, 'Unus erit quem tu tolles in sidera caeli,' the river, with the children upon it, subsided between its banks. The story of the ficus ruminalis, the she-wolf, the pastoral life of the twins, and the slaughter of Amulius seems to have been told much as in Livy. The description of the auguries is preserved in a fine and well-conceived passage, q. v. The accounts of the rest of the life of Romulus, the death of Remus,—to whom Romulus seems thus to speak (100, 101),

'Nec pol homo quisquam faciet inpune animatus
Hoc nisi tu : nam mi calido das sanguine poenas—'

the rape of the Sabines, the reconciliation, the joint rule of Tatius, and the deification of Romulus, followed apparently the common legend.

§ 3. Changes in Prosody introduced by Ennius.

The introduction of the hexameter into Latin is usually ascribed to Ennius. To him certainly was due its general use, and with it the stricter system of prosody which the close imitation of the Greek metre required. The revolution effected by him was a great one. In the first place, he must have finally settled the rule that all vowels followed by two consonants, or a double consonant, (except in the case of a mute and liquid together), were long by position. We have no longer such licences as we have seen in the Saturnians, *Calĭpsonem, ĕxercitus*, or those which appear by hundreds in Plautus and the other dramatists, including of course Ennius himself, *ĭlle, ĭste, ĭpse, volŭptas, senĕx*, etc., etc.

Secondly, the number of uncertain quantities is much reduced : *que* is, I believe, never made long, nor *-bus* of the dative plural (see Introd. x. § 22), a result owing, no doubt, to the influence of the accent—and *us* of the second declension only once, line 90.

Thirdly, elision of final *m* is made usual, but not universal, and hiatus is reduced to very narrow limits.

§ 4. Metrical Licences and Archaisms in the Annals.

Nevertheless the prosody of Ennius still retained many archaisms and inconsistencies.

(1.) Where the termination of the third person singular, active or passive, falls under the ictus, it is often lengthened before a vowel. In the vowel conjugations, in fact, there is only one extant instance of a short termination, and that naturally, in thesi, l. 462, '*Oscităt* in campis caput a cervice revulsum.' Elsewhere we have

(in arsi) 83, *serrāt*; 159, *memorāt*; 340, *versāt*; 399, *manāt*. So 171, *tenēt*; 409, *iubēt*; and 419, *it eques*; 432, *tinnit*.

In the third conj. we have 123, *constituit*; 258, *cupit*; 346, *nictit*; 484, *ponit*. And in other tenses we find 100, *faciēt*; 128, *fuerit*; 165, *dederit*; 203, *velit*; 349, *ferēt*; 599, *voluit*.

Similarly, we have also in arsi, 121, *venerōr*.

Such terminations are rarely lengthened in thesi, as—

386 *Infit*: o cives quae me fortuna ferocem.

86 Omnibus cura viris uter *essēt* induperator.

245 *Eloqueretūr* et cuncta malaque et bona dictu. (See note.)

350 (?) *horitatūr* induperator.

314 Non enim rumores *ponebāt* ante salutem. (See note.)

(2.) In nouns also the archaic long terminations are preserved in the following instances under the influence of ictus, 148, *aquilā* (nom. fem.), etc.; 562, *populeā* frus; 42, *sorōr*; 402, 422, *clamōr*; 117, *genitōr*; 424, *imbricitōr*; 500, *tergūs*; 286, *pulvis*; 546, *iubār*; 42, *postillā*; 170, *concubiā*; 245, *cunctā*; 420, sub *montē* or *montei* (Müll. Fest. p. 343).

Even in thesi we get

520 *Clamōr* ad caelum volvendus per aethera vagit.

484 Multa foro ponit et *ageā* longa repletur.

But 436, totum *sudŏr* habet corpus.

(3.) More rarely long final vowels are shortened:—

76, *ludicrĕ* (?), which may be an adverb though quoted by Priscian as a neuter adjective (vii. p. 768 P).

181, '*Contră* carinantes verba atque obscena profatus,' which Vahlen needlessly divides into two half lines, interpolating *atra*, and 'Quis pater aut cognatus volet nos *contră* tueri?' a good hexameter, which Ritschl, followed by Vahlen, alters into scraps of tragic iambics (Trag. 443, 4 V). See Introd. viii. § 8, and note.

314, '*Non enĭm* rumores ponebat ante salutem' has been generally altered, but may be defended.

(4.) The licence of the old poets with regard to elision of vowels with *m*—for in Saturnians it is used or disregarded absolutely ad libitum—was very much curtailed by Ennius; nevertheless we find a few cases in which he avails himself of it. Such are 275, *inimicitiam* agitantes, the MS. reading usually changed to *inimicitias*; 336, *militum* octo; 486, dum *quidem* unus homo; cp. Lucilius, i. 20, praetextae ac tunicae Lydorum opus *sordidum* omne. Hiatus is rare. Cic. Orat. 45, 152, comparing him with Naevius and others, 'qui ut versum facerent saepe hiabant,' says, 'at Ennius semel:—*Scipio invicte*.' (321 v.) We have, however, in the Epigram i. 1, 'senis *Enni* imaginis formam.' See on Naev. Lyc. 50.

Elision of the final *s* of a short syllable, before an initial consonant, is common to Ennius, Lucilius, and Lucretius (as also to Aedituus and Q. Catulus, ap. Gell. xix. 9), but was given up by the Alexandrine writers of the age of Cicero, and hence it is found only once in Catullus, in the last line of his poems, 'tu *dabis* supplicium.' Cp. Cic. Orat. 45, 153; 48, 161. In the last passage he seems to confine it to *s* following *u*, which is a curious slip. See further Luc. Müller, D. R. M. p. 344 f.

This elision is not universal, and such syllables are not unfrequently long when they fall under the ictus of the verse; but such lines as 143, 'isque dies postquam *Ancūs* Martius regna recepit,' and 305, 'ore *Cetēgūs* Marcus Tuditano collega,' are rather rare.

Conjunction of the substantive verb and participle is also found in Ennius, as *dictust, paratust,* and seemingly in Lucilius, as *auxiliatust,* and probably continued later in popular usage, though not found in Lucretius (Luc. Müller, l. c. p. 345).

(5.) Synizesis takes place not unfrequently, with *i*, as in 97, *avium* (a spondee); 256, *Servilius* (see note); 463, *semianimes; antehac* is twice used as a disyllable, 198 and 209. More remarkable are 206, *eorundem*, and 278, 'Poeni *suos* soliti dis sacrificare puellos,' though the reading of the last line is not certain, varying in Festus and Nonius, and appearing in this form in neither. *Meae*, in 111, is quite conjectural and indeed improbable. The text of Nonius reads 'ea mihi reliquae fidei regno vobisque,' and has been variously emended, see Luc. Müller, D. R. M. p. 273, and Quicherat ad loc.

Contraction metri caussa takes place in 150, 'lumina *sis* oculis etiam bonus Ancus reliquit' (adopted by Lucret. iii. 1023); in 101, 200 (twice), and Epigr. 10, we have *mi*=mihi; in 279, *is*=iis.

(6.) Other *Archaisms of prosody and accidence* are:—

(*a*) In declension of nouns and pronouns

The genitive of the *a* declension is always *-ai* (disyllable) or *as*, as 421, dux ipse *vias*; 535, rumore *ruinas* (the only instances extant in Ennius), never *-ae*. In 2, *Casmenarum*=Camenarum; 111, *fide* is dative; 132, 410, *speres*=spes.

In the *o* declension we have 317, *famul*=famulus (Lucret. iii. 1035). In 129, *Mettoi Fubettoi* is read by Vahlen; *Mettioeo Fufettioco* by Bonnell (Quint. i. 5, 12); *Mettoeo* (or Metioeo) *Fufetioeo* by Ritschl, in his article, Rh. Mus. xxii. for 1867; the Ambrosian MS. has *metti eo et fuuetio eo.* The case intended is probably a dative. In the gen. plural we have 252, *verbum paucum*, where the latter is a necessary emendation for *paucorum*: such genitives are commoner in his tragedies, e. g. *meum factum* pudet, Trag. 81. *Prōfundus*, 474, may be noticed here.

In the *i* and consonantal declension we have 518, *canes;* 329, *debilo*=debilis; 141, *homōnem;* 390, *lapi*=lapidi; 391, *praecipe*=praecipite; 420, *sub montē* (or *montei*, Müller).

In pronouns we have 131, *mis*=mei; 128, *me*=mihi; 34, 122, 544, etc., *olli*, dat. sing. and nom. pl.; 102, *sum*=eum; 22, 52, 261, 358, *sos;* 103, *sas;* 372, *sapsa.*

Adverbial forms, 29, *quamde;* 139, *quande;* 235, *poste;* 236, *exim;* 243, 425, etc., *indŭ;* 563, and Epig. 9, *endo;* 73, *indo.*

(*b*) In conjugation.

15, *fiĕrĕ;* 20, *face*=fac; 78, *potĭtur;* 384, *morīmur;* 136, *adnūit;* 242, *fūisset;* 440, *fūimus;* 198, *fuĕrunt;* 394, *potestur;* 482, *contūdit* (see Introd. xvii. § 8 on the importance of this form); 521, *sultis*=si vultis.

(7.) *Peculiar artifices to overcome difficulties of metre.*

Tmesis is not particularly common in Ennius. We have, however, 347, Annibal audaci cum pectore *de* me *hortatur;* 487, *de*que *totondit.* He allows himself, more-

over, some very barbarous licences (unpoetical is too good a name for them) in nouns not compounded with prepositions, as 586, saxo *cere* comminuit *brum*; 605, *Massili* portabant iuvenes ad litora *tanas* = Massilitanas lagonas.

Apocope. Other nouns he cut short to suit his metre, as 561, divum domus altisonum *cael*; 451, replet te laetificum *gau*; 563, endo suam *do* = in suam domum. These and the last are the great blots on Ennius' style. Cp. however, δῶ for δῶμα, and the harsh apocopes in the Salian hymns, p. 566.

§ 5. The Hexameter of Ennius.

The Hexameters of Ennius, as will be seen from the specimens in the text, are rough and uncertain in their movement, though they have occasionally a fine effect. They cannot except in rare instances, be compared with those of Lucretius and Catullus, much less of the great poets of the Augustan age. Sometimes they are very prosaic and heavy, sometimes without any caesura or cadence; where they do succeed it is by a certain grave monotony, as in the lament for Romulus, or by the coincidence through great part of the verse of accent and quantity. The following are instances:—

(1.) *Occasional prosaic character*, e. g. a catalogue of Numa's institutions:—

123 Mensas constituit idemque ancilia . . .
Libaque fictores Argeos et tutulatos.
125 Volturnalem Palatualem Furrinalem
Floralemque Falacrem et Pomonalem fecit
Hic idem.
Cp. 174 Cives Romani tunc facti sunt Campani.
363 Pendent peniculamenta unum ad quemque pedum [sex].
515 unum in
Sorum suros ferte: ita enim defendere possunt.
603 Introducuntur legati Minturnenses.

(2.) *Absence of caesura*, or abrupt break in medio versu, is rare, e. g.

511 Cui par imber et ignis spiritus et gravis terra.
192 Balantum pecudes quatit: omnes arma requirunt.

The following line from his Satires, 15 V, is said to have provoked the ridicule of Lucilius, who, however careless himself, was a sharp critic of others (see Serv. ad Aen. xi. 601, Hor. Sat. i. 10, 53, 54):—

'Sparsis hastis longis campus splendet et horret.'

(3.) *Harsh elisions* are more common, e. g.

199 Hos ego et in pugna vici victusque sum ab isdem.
554 Huic statuam statui maiorem horto auream ahenis.

Ennius is, however, not nearly so bad as Lucilius in this respect.

(4.) The *cadence* of the line is very carelessly treated; quadrisyllable endings are extremely common, some harsh spondaic lines have been already noticed, and, in fact, the chief object, when any definite poetic or rhetorical impulse is absent, is to fit the words into the line. Vergil's cadence, to which we are accustomed, seems to be constructed on the principle of making accent and ictus coincide in the last two feet, as Catullus had done in the last three ('prognátae vértice pínus,'

etc.). This contrasts with the antithesis between accent and ictus in the first half of the verse; but all these niceties are unknown to Ennius, whose real and useful work was to settle the quantity of words, and to mould them into forms capable of being used in hexameters.

(5.) *Alliteration and coincidence of accent and ictus* are two characteristics which are observable in Ennius, but not to any greater extent than might be expected in an old poet. Such lines as

39 Víres vítaque córpus meúm nunc déserit ómne.
43 Tárdaque véstigáre et quaérere té neque pósse.
44 Córde capéssere sémita núlla pedém stabilíbat.
476 Lábitur úncta carína per aéquora cána celócis,

in which accent and ictus all but coincide throughout, are not common, but many might be found in which they agree in three-quarters of the line. Such lines again as

113 O Tite tute Tati tibi tanta tiranne tulisti.
452 At tuba terribili sonitu taratantara dixit,

are rare experiments, the first grotesque, the second a success. But such jingles as prisci casci, femina feta, quae cava corpore caeruleo cortina receptat, accipe daque fidem foedusque feri bene firmum, anus attulit artubus, ripas raptare, corde capessere, caeli caerula templa, etc. etc., are very common.

§ 6. The Syntax of Ennius.

The *grammatical constructions* of Ennius are generally simple. Like all old writers his conjunctions are few, and the same constantly recur, while words and clauses are often simply strung together without any conjunction. So we have the bare names of the twelve gods in two lines, the qualities of the friend of Servilius, 249 foll., etc. On the other hand, there are the natural pleonasms belonging to an archaic style, and to an untried hand in verse-making. Such are those with *bene*, e.g. 33, bene firmum; 112, feliciter ac bene; 239, bene saepe; 517, bene tempestate serena; especially those with *cum, suus*, and *corde*, and the like, e.g. 44, corde capessere; 49, corde cupitus; 52, aegro cum corde meo; 179, cum corde suo; 473, tristi cum corde; 513, corde suo trepidat; 373, audaci cum pectore; 424, suo cum flumine; 504, vincla suis magnis animis abrupit; 36, excita cum tremulis artubus.

Notes on the Annals. Pp. 299–307.

[N.B. * prefixed to a fragment indicates that it is quoted without reference to a particular book, ** that the poet's name was also omitted by the author who cites it.]

The fulness of the foregoing introduction will make it unnecessary to add many notes.

Lib. i. 36. *anus*, the sister of Ilia, name unknown. It is curious that she should be represented as an aged woman. Eurydice was the name of Aeneas' wife, according to Lesches and the Cypria, as Pausanias tells us (x. 26).

46. *postillā*, an adverb like *posteā*, compounded with neuter plural, with archaic quantity. Introd. ix. § 8, xiii. § 35.

47. *aerumnae*, an archaic word, used however by Horace (Ep.) and Persius. *aerumnula* is 'a frame for carrying burdens,' Fest. p. 20. Both are connected by Corssen with root *ir-*, 'to treat hardly,' appearing in *ira*, *irascor*, passing through the heightened form *air-* (ii. p. 172).

resistet, 'rise again,' a rare, but perfectly justifiable use. Cic. Mur. 39, 84, joins 'nos reficiamus' with 'resistamus.'

50. *caeli caerula templa*, hence the constant usage of Lucretius. See Munro on i. 120, 'the phrase seems evidently adopted for the augural division of the heavens.' *templum* seems etymologically to mean merely a division, whether of time or place, in earth or sky (cp. Curt. Gr. Et. pp. 200, 625).

80. *cumcupientes* = concupientes, seems better than Vahlen's *tum cupientes* (supported by one MS.), both on grounds of sound and sense. The confusion of initial *t* and *c* is well known.

84. *Aventino*, but Liv. i. 6 ad f. 'Palatium Romulus Remus Aventinum ad inaugurandum *templa capiunt*,' and so Dionys. i. 86.

86. *omnibus*, the spectators, the *populus* of line 90.

92. *sol albus*, i. e. luna, cp. l. 547, 'interea fugit albus iubar Hyperionis cursum.' The point of making the bird of fairest augury appear at the moment of dawn is a happy thought (if the invention of Ennius) and one as true to nature as it is worthy of the scene describing the foundation of the eternal city.

94. *praepes*, apparently from same root as πέτομαι. The exact meaning was obscure to the ancients, but it was probably 'high-flying' and opposed to *avis infera*: *loci praepetes* were still more uncertain.

95. *laeva* or *sinistra avis* is, in this sort of augury, a bird coming from the east, inasmuch as the augur looked towards the south (Varro in Fest. p. 339). In a *templum*, as applied to the sky, east and west were called sinistra and dextra, the south and north, antica and postica (L. L. vii. 7).

97. *avium*, a spondee. Cp. p. 584, and Verg. G. i. 482, *fluviorum* rex Eridanus.

114. *diu* can hardly be right, though not impossible. We have seen in Livius the quantity *dies* (see note on Od. 7), and have in Festus sub *diu* = sub dīo or sub divo. *Diu* is itself a neuter accusative of the duration of time, and it does not seem impossible that the *u* might be shortened (cp. *manŭ*, Naev. Com. 108, and *palŭs*, Hor. A. P. 65, MSS, and Serv. ad Aen. ii. 69), though no other instance can perhaps be quoted. Of the emendations proposed, *fida* is probably the best.

117. *sanguen*, neuter, is rare. *Tu produxisti*; already the people look upon themselves as Romulidae.

119. *dis genitalibus*, the heavenly gods, 'dii superi,' cp. Auson. Perioch. Iliad, 4. 'Iuppiter interea cum dis genitalibus una | Concilium cogit superum de rebus Achivis,' ap. Preller, p. 47 n.

Lib. vi. 178. *oras*, imitated by Vergil, Aen. ix. 528, 'orae sunt extremitates,' says Servius. It means probably to unfold to the full, lay out in all its breadth.

181. *contra carinantes*. To construe the line as it stands, we must disjoin *verba*

and *obscena* or suppose that some other epithet of *verba* or some parallel clause to *verba profatus* had just preceded. There is really no sufficient reason to alter the line; but one of Vahlen's reasons for the change he makes is to avoid scanning *carĭnantes,* as we have *carĭnantibus* below, line 229. The meaning of *carinare* is 'to object,' 'deride;' its derivation is obscure, but see above on XII Tab. i. 1, *calvitur.* These forms in *-no* are compounded from the stem, as *da-nunt* from *da-re, nequīn-ont* from *nequī-re, explēn-unt* from *exple-re, ferīn-unt, redīn-unt, prodīn-unt, obīn-unt* from *feri-re,* etc., *inserĭn-unt* from *inserĕ-re.* Therefore *carinunt* must be from an obsolete *carīre* or *carĕre,* and would (if we compare *carīna*) probably be from the former. *Carĭnantibus* is to be explained from the tendency which verbs in *-io* have to pass from one conjugation to another, a fact of which we have the instances in Ennius, *potĭtur* and *morīmur.* There is therefore nothing extraordinary in the uncertain length of the *i.* For *contrā* see Introd. viii. § 8. Vahlen conjecturally introduces the line here as descriptive of Postumius' speech at Tarentum in reply to the ill-treatment he received.

184. *Burrus,* a piece of antique spelling preserved by Cic. and Quint. i. 4, 15, with Bruges and Belena.

186. *Aio te,* the ambiguous oracle of Apollo, which Cicero suggests was invented by Ennius. The Greek was perhaps, *φημί σε Ῥωμαίους νικήσειν Αἰακοῦ υἱέ,* or better (with Valesius), *νικᾶν σ' Αἰακίδη Ῥωμαίους φημὶ δύνασθαι.* It is not referred to by Plutarch in his life of Pyrrhus.

189. *Proletarius.* This circumstance is mentioned by Aug. de Civ. D. iii. 17. Non. p. 671, 22, refers it to a certain 'Marcus praeco,' probably 'Marcius praetor,' perhaps Marcius Philippus, cos. v. c. 472.

193. *Incedunt,* imitated from Hom. Il. xxiii. 114, where trees are cut for the funeral of Patroclus, and followed by Vergil in two places, relating to similar subjects, Aen. vi. 179, xi. 134. Vahlen therefore, following Columna, refers it to the burning of the dead by Pyrrhus after the battle of Heraclea, when, by his treatment of the slain and restoration of the captives, he hoped to gain favour for the embassy of Cineas.

198. These lines were put up by Pyrrhus (probably over some spoil which he dedicated) in the Temple of Jove at Tarentum. Naeke, Opusc. i. 212, ap. V. has thus turned them into Greek, *Ζεῦ πάτερ οἳ τὸ πάροιθεν ἀνίκατοι πέλον ἄνδρες Οἱ μὲν ἐνικήθησαν ἐνικήθην δὲ πρὸς αὐτῶν.*

201. *mi* = mihi. Introd. xii. § 9. *cauponantes;* Aesch. Sept. 526, *ἐλθὼν δ' ἔοικεν οὐ καπηλεύσειν μάχην. cernamus;* Aen. xii. 709, 'inter se coiisse viros et *cernere ferro.*'

205. *magnis Dis.* Cp. Aen. iii. 12, viii. 679. If the *Dii magni,* peculiarly so called, are meant, they are the Samothracian Cabiri, identified sometimes with the Dioscuri and the Penates. It may perhaps be in the mouth of Pyrrhus a simple epithet. To the return of the captives we may perhaps refer the Frag. Inc. 466, 'redinunt | In patriam.'

208. *Quo vobis.* The speech of Appius made on the occasion of the embassy of Cineas (the *orator* or ambassador of line 211) was preserved as one of the earliest specimens of Roman prose (Isidor. Orig. i. etc.) The speech given by Plutarch, Pyrrhus, c. 19, may very probably be founded on the original.

214. *divi hoc audite.* This third devotion of a Decius is only related by Cicero, Tusc i. 37, 89, de Fin. ii. 19, 61, as taking place at the battle of Asculum in this war, B. C. 279, V. C. 475, and he may have taken it from this passage of Ennius. See Madvig on Cic. de Fin. l. c.

Lib. vii. 221. Ennius here gives the reason for curtailing his account of the First Punic War. Cicero says he has no right to look down upon Naevius, 'qui a Naevio vel sumpsisti multa si fateris vel si negas surripuisti.' *Fauni*, i. e. dei silvestres, hence the name 'faunian' verse for Saturnian. Cp. the beautiful passage in Lucretius, iv. 580 sqq. *vates*, 'bards,' like Marcius. It did not come to be a complimentary term till the Augustan age.

239. Gellius reports, 'L. Aelium Stilonem dicere solitum ferunt, Q. Ennium de semet ipso haec scripsisse picturamque istam morum et ingenii ipsius Q. Ennii factam esse.'

240. I have retained *comiter impartit*, not being satisfied with Vahlen's conjecture *congeriem partit*; but the sudden change in construction is harsh, unless we take *sermonesque suos rerumque suarum* closely together, 'his own talk and talk about his affairs.'

245. *eloqueretūr et cunctā malaque et bona dictu.* Here also I have followed the MSS, the difficulties being metrical, though for both there is authority in Ennius. See above, p. 583.

249. *levis haut malus*, 'gentle, not malicious.' With *aut* both will be secondary predicates on *faceret*.

255. *dicta*, 'witty sayings,' so 'dicta dicere.' *prudenter* seems to refer to his tact in knowing *when* to bring them out. The contrast between the freedom of the great man and the reserve of his confidant is well touched in by Ennius.

256. *compellat Servilius sic.* The MS. reading is easily altered by transposition; but *Servilius* is a common synizesis, giving us a spondaic ending. See p. 584.

Lib. viii. 270. *Discordia*, etc., a poetical expression for opening the Temple of Janus, as we see from Vergil's imitation and expansion, Aen. vii. 607 f, 'Sunt geminae Belli portae,' etc. *postes*, expressing the violence of the action; so Vergil, 'cardine verso . . . rumpit.' The war is that with Hannibal.

276. *ex iure m. c.*, 'to join hands out of court.' See for an explanation the note on XII Tab. ii. 1, towards the end.

Lib. ix. 304. *Tuditanus* and *Cethegus* were consuls V. C. 548, three years before the end of the war with Hannibal. *delibatus*, 'the picked, chosen flower.'

313. There is some uncertainty as to the place of this fragment, Macrobius, vi. 1, who compares the first line with Aen. vi. 847, putting it in the twelfth book. Vahlen is probably right in assigning it to the eighth. There seems no sufficient reason why *enim* should not be retained; though a solitary instance in these fragments, it is constantly used as a pyrrhich in the drama, as by Ennius himself, Trag. 257, 'Hic itidem est: *enim* néque domi nunc nós neque militiaé sumus.' In the only other place where he uses it the last syllable is elided. Lachmann's *noenum* is certainly very attractive, but seems to me too abrupt. *Ponebāt*, see Introd. xviii. § 5, where I should alter *noenum* in accordance with the text. *rumores*, 'fame,' joined with 'fama,' Liv. xxii. 39, Quintil. v. 3. *postque* I have

retained, though easy to alter. There is, I think, point in saying 'both afterwards and more (than in his lifetime).'

316. *mortalem.* It has occurred to me, though I do not feel confident about it, to complete this line by introducing *summa* after (not instead of) *summum.* Lucretius thought of it when he wrote, iii. 1032, 'Scipiades belli fulmen Carthaginis horror Ossa dedit terrae proinde ac famul infimus esset,' no doubt remembering that Ennius had applied them to the great opponent of Scipio, as seems rightly to be conjectured. *famul* is probably an experiment of Ennius, something in the style of *cael* and *gau*, but less harsh, as having more analogies in its favour. See Introd. ix. § 3.

Lib. x. 332. *Insece.* See on Liv. Od. 1.

348. *mussaret*, 'murmur,' 'mutter;' here, 'look discontentedly for.'

Lib. xvii. 423. *Imbricitor*, 'the sender of showers.' Cp. Macrob. S. i. 17. He quotes this passage, v. 2, with Aen. ii. 416. *mari magno*, Lucr. ii. 1.

Lib. xviii. 431. The eighteenth annal was written (according to the conjecture usually received of *duodevigesimo* for *duodecimo*) three years before the poet's death in his 67th year (Gell. xvii. 21). In it are naturally put Ennius' personal recollections and reflections, as the account of his origin from Messapus, etc., Serv. on Aen. vii. 691. Nothing is known of a tribune Caelius. Merula acutely conjectured that the name is C. Aelius, and refers to Liv. xli. 4, where two military tribunes, Titus and Gaius Aelius, are mentioned in the Istrian war, and so Jan on Macrobius. The passage is compared with those about Ajax, Il. ii. 102 f, and Turnus, Aen. ix. 106 f.

441. *spatio supremo*, 'in the last stadium,' i. e. after a hard struggle.

Inc. Sedis. 493. *Septingenti sunt.* Yet this was written about A. V. C. 585, and is a puzzle of which we have not got the answer. See Vahlen, pp. xxx, xxxi, for some suggestions.

503. Cp. Il. vi. 506, Aen. xi. 492. *caerula*, properly the colour of the sky, *caeruleus* = caeluleus by dissimilation: here 'deep green.' It is applied to some plants, as the oak, olive, cucumber.

Notes on the Tragic Fragments of Ennius. Pp. 307–312.

Alexander. I have given all the fragments of this play that are extant, though I cannot attempt to explain the connection of all of them. The first is very probably referred to this play by Vahlen, though quoted without any name of author or subject. Hartung conjectures that this prologue was spoken by Venus (see Ribbeck, p. 259). That the play was probably an imitation of Euripides may be gathered from the testimony of Varro as to line 74. Prof. Conington remarks that lines 97, 98, describing the Trojan horse, are copied from a passage in the Agamemnon, i. e. lines 824–828. The parallel passages in the Aeneid are noted by Macrobius.

62. *coniecturam*, a divination or oracle, used also by Plautus and later writers, e. g. Ov. Trist. i. 9, 51, 'Augurium ratio est et *coniectura* futuri.' *pacem petens;* cp. Tit. Mumm. C. 542, '*tua pace* rogans te,' perhaps for *tuam pacem.*

68. *temperaret tollere*, 'he should refrain from acknowledging,' a not unfrequent construction in Plautus.

69. *volans*: Muller says Victory is meant, and refers to Syracusan coins.

70. *Iamdudum*, assigned by Welcker to Priam.

75. *vitulans*, see note on Naev. Trag. 34.

94. *O lux Troiae*, Aeneas' speech, Aen. ii. 281, 'O lux Dardaniae, spes o fidissima Teucrum,' is a rhetorical enlargement of these lines.

97. *Nam maximo saltu.* Vergil's imitation (Aen. vi. 515) is very close:—

> 'Cum fatalis equus saltu super ardua venit
> Pergama et armatum peditem gravis attulit alvo.'

99. . . . *amidio* is quite uncertain. Vossius' emendation (I suppose) makes it refer to Ganymede. *Purus putus* is quoted by Festus here in connection with Plautus' '*purus putus* sycophanta,' and by Gellius with the words of the Carthaginian treaty (pondus) 'argenti *puri* puti.' The relation of the word to *putare* is self-evident. The root, signifying cleansing, appears also in *pa-enitet*, *po-ena*, *pu-nire*, and *pu-rus*, according to Corssen, i. 370. Like *merus*, however, it often lost its stronger meaning, and came to signify 'pure and simple,' 'mere,' etc.

ANDROMACHA. That this, like the Alexander, was modelled on Euripides is inferred from Varro's quotation, L. L. vii. 82; but we have little means of comparing the two authors here. Cicero seems to have valued the play very highly, and praises it specially in quoting the passage given in the text. This is particularly remarkable for its fine use of alliteration, and for the effect produced by the accumulation of parallel images. 'It is to these lines (says Prof. Conington) that the present Archbishop of Dublin, in his work on Sacred Latin Poetry, refers for the support of a theory that something like rhyme existed in the early poetry of Rome.' No doubt rhymes may occasionally be found elsewhere, but they are part of the general tendency to alliteration, rather than traces of a system or habit of rhyming per se. We have also a specimen of Ennius' versatility in metre, cretics, trochaics, anapaests, iambics, closely following one another.

113. The MS. reading *auxiliō exili aut fugae* seems preferable on grounds of sense, and metrically defensible. Bergk's *fugai* is probably right, as the form in *ae* is not found in the Annals.

accĕdam = accidam, so *accedisset* below in the Medea, 281. For a similar change of vowel cp. *peregre* and *peragro*. Cp. also the forms *oppedum*, *menester*, *leber*, etc.

129. *Hectōrem . . . Hectōris* are peculiar; cp. *homonem*, etc.

ATHAMAS. *Is . . . his . . . illis* are contrasted. On *is* see Introd. xiii. § 37, and cp. Lachm. on Lucr. p. 262. Prof. Ellis, however, prefers *his*.

HECTORIS LYTRA. This seems to be the right title, though often quoted as *Lustra* or *Lystra*, e.g. by Ribbeck, in his first edition. He now reads *Lutra*. He refers the two lines here given to Achilles hearing the disturbance on the death of Patroclus. They are bacchiacs, as Hermann has seen, not very divergent from the normal form ⏑ ´– – | ⏑ ´– – || ⏑ ´– – | ⏑ ´– –.

IPHIGENIA. This apparently follows the Iphigenia in Aulis of Euripides pretty closely. Bergk conjectures that Ennius added passages from Sophocles. A few

lines will show the relation to Euripides, lines 6–8, ΑΓ. *τίς ποτ' ἄρ' ἀστὴρ ὅδε πορθμεύει;* | ΠΡ. *Σείριος, ἐγγὺς τῆς ἑπταπόρου* | *Πλειάδος ᾄσσων ἔτι μεσσήρης.* And line 137, *Ἀλλ' ἴθ' ἐρέσσων σὸν πόδα γήρᾳ* | *μηδὲν ὑπείκων.*

275. *quaesit* simply = quaerit. Cp. Enn. Ann. 146, 'nautisque mari *quaesentibus* vitam,' and the common phrases, '*quaeso*,' etc., 'liberum *quaesundum* causa,' as well as the regular forms *quaesivi*, *quaestus*.

276. *nepa* = Cancer or Scorpius, acc. to Festus, p. 164, 5, M, an African word. He quotes Plaut. Cas ii. 8, 7, in which it seems to mean a crab. *Nomen*, of the palimpsest, seems right, 'or whatever beast gives its name to the star' (Ellis).

Medea Exul. Cicero, de Fin. i. 2, 4, speaks of this and the Antiopa of Pacuvius as rendered directly from the Greek of Euripides, 'ad verbum e Graecis expressas.' The rendering is indeed very free, as we see by comparing the two, and the power of doing so is of importance in estimating the general success of Ennius. In the first place he omits the Symplegades, which would have been a difficulty to his audience, while he indulges his taste for etymology by inserting the name Argo and putting a false gloss upon it. Secondly, he does not care to follow the original in the simplicity of its details, but introduces alliterations and amplifications of his own, e. g. *caesa accedisset, nominatur nomine, era errans, animo aegra amore saevo saucia*. *Accedisset* seems to be a form of *accidisset*, cp. *accedam*, line 114. The sense here will not allow it to be considered as an abnormal form of *accessisset*, though it is found as such in a MS. of the New Test. Mark vi. 61 (Rönsch. p. 286).

Telamo. To this attack upon the *harioli* Ribbeck suggests the possibility of adding inc. l. 400, R. '[umquam] quidquam quisquam cuiquam quod si conveniat, neget?' and 407, 'omnes dant consilium vanum atque ad voluptatem omnia.' The Epicureanism of these lines seems to have represented Ennius' own convictions.

Notes on the Fragments of Saturae, etc. Pp. 312–314.

The Saturae of Ennius formed the step between the old national farce and the satire of literature. Like the former, they were a medley, having a loosely-constructed plot, one in many cases couched in dialogue and a variety of metres; like the latter, they were intended for reading or recitation, not for the stage. That these poems had a distinctively satirical colouring does not appear very clearly from the fragments; but Ennius was evidently inclined towards a censure of vices and follies, and can hardly have neglected the opportunity of touching upon them. The Menippean satires of Varro, among later writings, were probably most nearly akin to the Saturae of Ennius, but his wit was keener and more playful, and he mingled prose and verse together.

Scipio. The character of this piece has been much disputed; see Vahlen's Introd. p. lxxxiv foll. It may have been a description of the last campaign of his patron, but then what was its relation to the parallel passage of the Annals? The lines 10–13 may be a description of his passage to Africa. Cp. Liv. xxviii. 17, 'ipse . . . profectus tranquillo mari plurimum remis, interdum et leni adiuvante vento, in Africam traiecit.'

EPIGRAMMATA. The concluding lines of the fine epitaph upon himself (says Vahlen) appear to have been imitated from Mimnermus, for Cicero says that Ennius' sentiment is better than that of Solon, of which he gives this rendering:—

'Mors mea ne careat lacrumis: linquamus amicis
Maerorem ut celebrent funera cum gemitu.'

(Cic. Tusc. Disp. i. 49, 117, and de Senectute, 20, 73), while Plutarch (comp. Solonis et Publicolae, i.) informs us that these lines of Solon's were intended as a contrast to some of Mimnermus'. The objection to this is that Plutarch describes Mimnermus' epigram as περὶ χρόνου ζωῆς, which is hardly applicable to the lines before us.

6. *operae* may *possibly* be scanned or even written as a disyllable. Cp. *capra* and *caper*, and *facilia* as a trisyllable in the inscription of Mummius, C. 541.

CAP. V.—FRAGMENTA M. PACUVII. Pp. 314–316.

Introduction.

PACUVIUS was sister's son to Ennius, and born, about V.C. 534, at Brundisium. His uncle's reputation attracted him to Rome, where he exercised his art as a painter as well as a writer for the stage, and one of his pictures was esteemed second only to the great master-piece of Fabius Pictor. As regards the drama, he confined himself to tragedies and historical plays: of the first we have fragments of twelve, of the latter of one, the Paulus. He wrote also Saturae after the manner of Ennius. The judgment of Quintilian upon him and his successor, Accius, may be quoted, 'Tragoediae scriptores veterum Accius atque Pacuvius clarissimi gravitate sententiarum, verborum pondere, auctoritate personarum. Ceterum nitor et summa in excolendis operibus manus magis videri potest temporibus quam ipsis defuisse. Virium tamen Accio plus tribuitur; Pacuvium videri doctiorem, qui esse docti affectant, volunt,' Inst. Orat. x. 1, 97. It agrees substantially with that current in Horace's time, 'aufert | Pacuvius docti famam senis, Accius alti,' Ep. ii. 1, 55 f., and may be accepted as true. At the same time the critics accused him of harshness and want of simplicity, a charge fully borne out by the specimens before us. Thus Lucilius says, 'tristis *contorto* aliquo ex Pacuviano exordio' (Gerl. xxix. 63). He was specially criticised for his far-fetched and hard compound words, e.g. by Quintilian, i. 5, 67, who quotes his 'Nerei repandirostrum incurvicervicum pecus.' If we have sufficient means of judging, we may conclude that we have lost much more in Ennius than we have in Pacuvius. His tragedies show an attempt to render Sophocles, who was much less easy of imitation than Euripides.

Notes.

The ANTIOPA was the most famous of his plays, and is very highly praised by Cicero. It contained that dispute between Zethus and Amphion, in which Zethus made war upon philosophy and music, and Amphion (as Horace tells us) yielded to his brother's humour and silenced his lyre. The extant remains, however, seem more worthy of Persius' sneering censure:—

'Sunt quos Pacuviusque et verrucosa moretur
Antiopa, "aerumnis cor luctificabile fulta"' (1, 77).

Cicero tells us that it was taken verbally from Euripides.

The fragment given in the text is of course Amphion's enigmatic description of his lyre. The name of the respondents is very obscure.

ILIONA. The story of this famous play was very different in detail from that which Vergil introduces in the second Aeneid. See Hyginus, cix and ccxliii, and Ribbeck, pp. 292, 293. Iliona, eldest daughter of Priam, was married to the gross and avaricious Polymestor, king of Thrace. During the troubles at Troy she received her brother Polydorus to educate, and in her excess of caution, changed him with her own son Deiphilus, and brought up one as the other. The Greeks having taken Troy, and wishing to destroy the whole seed of Priam, corrupted Polymestor with a large bribe, and the promise of Electra to wife, if he would slay Polydorus. He in consequence killed his own son by mistake. Polydorus was in reality absent abroad, and on consulting the oracle at Delphi, heard that his city was burnt, his father killed, and his mother a slave. In the meantime young Deiphilus, whose body was exposed upon the seashore and washed to and fro by the tide, appeared to his mother Iliona in her sleep, demanding her pity and desiring burial, as described in the text. It was this speech which the drunken Fufius (who was acting Iliona) slept through in reality, though all the theatre bawled out with Catienus (who had the part of Deiphilus) 'mater te appello' (Hor. Sat. ii. 3, 60 foll., and the old commentators). After this Polydorus returned and was glad to find the oracle as he thought at fault, but on consulting Iliona learnt part of the sad truth, and together they attacked the villain Polymestor. But no sooner was vengeance done than a messenger arrived from Troy, giving an account of the capture, of which they had not yet heard, whereupon Iliona committed suicide. Observe Prof. Ellis' emendation of l. 200.

EX INCERTIS. The two last fragments show more of the learning and the power of Pacuvius than those already given. The first exhibits a sceptical Epicurean temper akin to that of Ennius, the second something of a true descriptive faculty.

ELOGIUM. Of this Professor Conington says, 'He took leave of the world in an epitaph, which, in its graceful modesty, is singularly contrasted with the arrogant self-assertion of his brother poets,' i. p. 309.

Pacuvi Marci. For this transposition of nomen and praenomen, see on El. Scip. C. 30, and cp. *Macci Titi* in the quotation from Accius on the opposite page.

nescius ne esses. A rare use of *ne* for *ut non*.

CAP. VI.—AQUILIUS. P. 316.

AQUILIUS is unknown to us except as the supposed author of the Boeotia, from which Gellius has preserved a fragment, very much in Plautus' manner. Varro ascribed it on this account to Plautus. Accius, however, distinctly rejected it in his Didascalica. (See introd. note to Accius, p. 596.) The lines may be quoted as a specimen of the work. They are in Sotadic verse, which is essentially an 'Ionic

a maiore tetrameter brachycatalectic,' but treated in a very loose way. See Lachmann, Prooem. Berol. 1849 50, Meineke, Specim. alterum in Athen. deipn. p. 24, referred to by L. Muller, de Re Met. p. 110, and Lucilius, p. 318, in his notes on Accius. I have accented these verses according to his pointing. Hermann, in his Opusc. Acad. of Dec. 19, 1841, tried to prove them to be trochaics (and is followed by Hertz). Others had supposed them to be prose:—

Nám néc geminei Leónes néc Cóndaliúm nec
Plaúti Anús nec Bís compréssa néc *Boeótia* umquam
Fúit, neque adeo Ágroécus néque Cómmoriéntes
Mácci Titi.

Ritschl has discussed the fragment of the Boeotia in his Parerga, i. 83 sqq., 123 sqq., 208. Sundials (he says) were not common in Rome, according to Pliny, N. H. vii. 60, till the year of the city 589, and therefore the city could not have been 'oppletum solariis' till the seventh century, i. e. after Plautus' time. These lines, he thinks, were not known to Varro, and not inserted till a later date. Ribbeck remarks on this very sensibly, that the parasite speaks as if he had lived before sundials were known at all, i. e. before V. C. 491, and though Pliny tells us that Rome was ruled for ninety-nine years by the first sundial which M'. Valerius Messala brought from Sicily ('paruerunt . . . ei annis undecentum'), yet this may only mean that they did not understand how to make a better, and were ruled by it in the sense in which we might speak of English time being ruled by a clock at Greenwich or London time by that at Westminster. There is therefore not sufficient reason for supposing these lines to belong to a later date than that of Plautus, but as to the authorship we must remain in doubt. Ritschl inclines to refer them to one Atilius, who stands fifth in the canon of Sedigitus.

Cap. VII.—CAECILIUS STATIUS. P. 317.

Introduction.

Statius Caecilius, or, as he is generally called, Caecilius (dropping the servile praenomen Statius, which was, as Gellius tells us, sometimes turned into a cognomen, iv. 20, 13), was a native of Insubrian Gaul, perhaps of Milan, a freedman like Terence, and a contemporary of Ennius and Pacuvius. According to many critics he was the best of Roman comedians, excelling in the delineation of passion, and as Horace (quoting Varro) has it in 'gravitas,' that is, in force and independence as regards plot and handling. His diction was rough and archaic, and he must, we should suppose, have been inferior to Plautus in real comic power, else it is difficult to explain the almost entire loss of his works. Terence, who was notoriously deficient in comic power, was valued expressly for his style. See the lines of Caesar and the canon of Sedigitus (on p. 328), who puts Caecilius even above Plautus.

The relation of Caecilius to Terence, as a friendly critic of his early efforts, reminds us of that between Pacuvius and Accius. They had a common actor in Ambivius Turpio, and in two passages at least of Terence, in the Andria (iv. 5, lines 804, 5), and Adelphi (v. 9, 28, l. 985), we have verbal imitations of Caecilius.

Lucilius also has a similar reminiscence (xxvi. 38 from the Hymnis of Caecilius) describing a prodigal content to live six months in pleasure and die in the seventh. Caecilius wrote—'Mihi sex menses sati' sunt vitae septimum Orco spondeo.' Lucilius' line being very close—

'Qui sex menses vitam ducunt Orco spondent septimum.'

Notes.

Plocium. Gellius quotes two passages from this play with parallels from Menander, which he compares not much to the credit of the Latin poet. Neither in fact is very striking or attractive, and the one not given here is even repulsive. His criticism is worth quoting:—

'Praeter venustatem autem rerum atque verborum, in duobus libris nequaquam parem, in hoc equidem soleo animum attendere, quod quae Menander praeclare et apposite et facete scripsit, ea Caecilius, ne qua potuit quidem conatus est enarrare sed quasi minime probanda praetermisit et alia nescio quae mimica inculcavit et illud Menandri de vita hominum media sumptum, simplex et verum et delectabile nescio quo pacto omisit.'

143. *ferre indicium*, 'to give evidence (of my misery):' *forma*, 'by her ill looks.'

146. *salva urbe et arce.* So in the Iuramentum Fetialium, Fest. Ep. p. 115, above, p. 279. Cp. Enn. Andromache, 115, 'arce et urbe orba sum.'

153. *vostrarum.* See Introd. xii. § 12.

Cap. VIII.—L. ACCII TRAGOEDIARUM FRAGMENTA.

Pp. 318, 319.

Introduction.

Before his death Pacuvius retired to his own country, to Tarentum, and there, as an old man, he courteously entertained his young successor Accius or Attius, the last of the old Roman tragedians, and gave him advice on the improvement of his Atreus (Gell. xiii. 2). Fragments and titles of a large number of his tragedies (at least thirty-seven) have come down to us, and of two Praetextatae the Brutus and Decius. These show that, unlike his predecessors (as far as we know), he drew largely from Aeschylus as well as Sophocles and Euripides. Like Pacuvius, he was a disciple of Ennius, but approached nearer to his master in simplicity, and was superior to him in care and finish. He was in fact probably the greatest of the Roman tragedians, but unfortunately the fragments we possess are wanting in definite interest. Besides tragedies, he wrote nine books of Didascalica in Sotadic verse (a history of Greek and Roman poetry), Pragmatica, Parerga, and Praxidica (of uncertain character), Annales in hexameters (perhaps something like Ovid's Fasti and Propertius' fifth book), as well as amatory verses, and some Saturnians in honour of D. Brutus Gallaecus. For a quotation from the Didascalica, see p. 595, note to the fragment of Aquilius. The fragments of these books and of Sueius have been collected and edited by L. Müller at the end of his Lucilius. Cp. Teuffel, Röm. Lit. § 119 and notes.

In personal character Accius was not unlike Ennius in his self-consciousness

and artistic pride. Several anecdotes are told of him to this effect, e. g. that being a very small man, he put up a very large statue of himself in the temple of the Camenae (Pliny, H. N. xxxiv. 10); that he prosecuted and recovered damages from a mimus who satirised him by name (ad Heren. i 14, 24, ii. 13, 19); that he refused to rise to a magistrate, Julius Caesar, when he entered the poets' college, thinking himself his superior in poetic power (Val. Max. iii. 7, 11, all quoted by Teuffel). It is interesting to think that Accius in his old age conversed with the young Cicero, as we learn from his Brutus, c. 28. This fact seems to have been overlooked by Teuffel, in placing his death circa V. C. 650, B. C. 104, inasmuch as Cicero was only born B. C. 106. I have therefore dated his death about ten years later, which seems the earliest point to which it can be assigned. The phrase of the Second Philippic, 15, 36, 'sexagesimo post anno,' may refer as well to the date of the composition of his Tereus as to the year of his death.

The obligations of Vergil to Accius are noticed by Macrobius, vi. 1 and 2. Cp. Accius, Antigona, 136, 7 R., 'quanto magis te istiusmodi esse intellego | Tanto, Antigona, magis me par est tibi consulere et parcere,' with Aen. xii. 19-21, and Accius, Armorum iudicium, 156, 'Virtuti sis par dispar fortunis patris,' with Aen. xii. 435.

Notes.

MEDEA. The description of the Argo receives some light from a comparison of Apollonius Rhodius, iv. 315 foll., first suggested by Brunck. Apollonius describes the shepherds leaving their flocks—*νηῶν φόβῳ, οἷα τε θῆρας | ὀσσόμενοι πόντου μεγακήτεος ἐξανιόντας.* The *Silvani melo consimilem cantum* is explained by Bergk and Lachmann of the vocal beam in the Argo. (Ribb. p. 317).

PHILOCTETA. It is uncertain by whom the passage in the text is spoken. Appuleius tells us that it was 'in tragoediae principio,' but we cannot fairly infer from his words that it was addressed by Minerva to Ulysses. Perhaps it was spoken by a chorus of Lemnians.

526. *litora rara.* Cp. Soph. Phil. 220, 1, *τίνες ποτ' ἐς γῆν τήνδε ναυτίλῳ πλάτῃ | κατέσχετ' οὔτ' εὔορμον οὔτ' οἰκουμένην*; this use of *rarus* seems unexampled, but explicable as meaning 'ubi rari habitant.' Cp. Cic. Rep. 6, 19, 'vides habitari in terra *raris* et angustis locis.'

PRAETEXTATAE.

National dramas among the Romans were called by the common name *Togatae*, whether comedies or tragedies or historical plays. Thus Diomedes says (p. 487 P, Teuffel, § 14, 2) 'prima species est togatarum quae praetextatae dicuntur, in quibus imperatorum negotia agebantur et publica, et reges Romani vel duces inducuntur personarum dignitate et sublimitate tragoediis similes. Praetextatae autem dicuntur quia fere regum vel magistratuum qui praetexta utuntur in eiusmodi fabulis acta comprehenduntur.' As a matter of usage, however, *togatae* was ordinarily the designation of Latin comedies, while *praetextae* or *praetextatae* denoted the serious drama.

The fragments of the BRUTUS given in the text call for very little remark. On the omen coming from the left, cp. Enn. Ann. 95, note, p. 587.

17. *nocturno impetu* seems to mean 'nocte ruente,' 'as night fell,' but it is rather harsh. Cp. however Cic. N. D. ii. 38, 97, 'cum autem *impetum* caeli admirabili cum celeritate moveri vertique videamus, e. q. s.'

28. *līquier*, 'glides away into a new orbit.' The verb generally means 'to melt,' 'dissolve,' 'grow weak.' Prudentius uses it in a sense like the present, Peristeph. 1, 88, 'per *poli liquentis axem* fulgor auri absconditur.' The *i* is regularly long in the deponent, but short in the transitive *liquare*. Cp. the uncertain quantity of *liquidus* in Lucr. iv. 1259, 'Crassane conveniant *līquidis* et *līquida* crassis.' The same author has the subst. *līquor* once, i. 453.

36. *verruncent*, 'turn out,' intrans.; so in the Decius, ll. 5, 6, he writes, 'Te sancte venerans precibus invicte invoco, Portenta ut populo patriae *verruncent* bene;' and similarly Pacuv. Frag. 297. The compound *averruncare*, 'to avert,' is rather more common.

His other Praetexta, the Aeneadae or Decius, described the devotion of the second of the Decii, v. c. 459, b. c. 295. The title of Aeneadae has not been fully explained.

Cap. IX.—FRAGMENTA EX LUCILII SATURIS. Pp. 320–325.

Introduction.

Lucilius was born about ten years after the death of Terence, of a good equestrian family, at Suessa Aurunca in Campania. He must have come early into the circle of Scipio Aemilianus, if, as it is said, he served with him in the Numantine war, when he would have been scarcely fifteen years old. Lucilius will always be known as the first writer of satire proper, and as such he was recognized by his countrymen, notwithstanding the previous works of Ennius and Pacuvius that bore the same title. The words of Quintilian are well known, 'Satira quidem tota nostra est, in qua primus insignem laudem adeptus *Lucilius* quosdam ita deditos sibi adhuc habet amatores, ut eum non eiusdem modo operis auctoribus sed omnibus poetis praeferre non dubitent. Ego quantum ab illis tantum ab Horatio dissentio, qui Lucilium *fluere lutulentum* et *esse aliquod, quod tollere possis,* putat. Nam eruditio in eo mira et libertas atque inde acerbitas et abundantia salis' (x. 1, 93 and 94). This is high praise, and we must feel very keenly the loss of Lucilius as a painter and critic of life and manners. His criticism was freer and more personal than that which any Roman comedian before or any satirist after him ventured upon. The persons who were typical in Horace's time were real in that of Lucilius. 'Primores populi arripuit populumque tributim,' Hor. Sat. ii. 1, 69. Such were Maenius, called Pantolabus, the spendthrift, Nomentanus the debauchee, Alfius the usurer, Gallonius the glutton, Opimius the miser, Albucius the Hellenist, and a crowd of smaller personages, Nerius, Staterius, Pacideianus, Mutus, the Jew Apella, etc., may be justly assigned to the age of Lucilius. His own boldness we may conjecture was taken into account by the judge who would not give him damages against a man who had attacked him by name upon the stage (Rhet. ad Heren. ii. 13, 19. Cp. the contrary case of Accius, introd. note, p. 597). All sides of common life, politics,

morals, manners, literature, and even grammar, were discussed in his Satires, but not always in a satirical vein. In fact, satire among the Romans, in the case of Horace and even of Juvenal, as well as in its earlier forms, had frequently little of ridicule or censure in its composition, and was content at times with good-humoured narrative or didactic exposition. We possess fragments of thirty books, the first twenty and the thirtieth of which are in hexameters. The twenty-second was written in whole or in part in elegiacs, the twenty-sixth and twenty-seventh in trochaic septenarii, the twenty-eighth and twenty-ninth in trochaics, iambics, and hexameters (see Lucian Müller, Quaest. Luc. p. xi). The metres of the rest are uncertain. L. Müller asserts that the books consisted of several satires, each in one metre, and holds it absurd to believe that more than one metre was used in a single poem. The careless slipshod style well bears out the criticism of Horace upon them; they are rough in metre, rough in expression, and in fact often coarse. Thus, notwithstanding his bluntness and freedom, this defect makes Lucilius often obscure and even ambiguous, and hence Cicero's metaphor 'sine vallo Luciliano.' His poems naturally served the dictionary makers and phrase collectors, like Nonius, as a great repertory of curious and vulgar words. The licences affected by Lucilius will be sufficiently exemplified by the fragments given in the text without a collection of them in this place, such as Gerlach has attempted (without sufficient discrimination in some points) in his Prolegomena, § 5, de Oratione Lucilii. Lucian Müller has treated at length of the metres of Lucilius in his book 'de Re Metrica,' and has quite recently (1873) completed his edition of the fragments. The most important early edition of Lucilius is that of Fr. Dousa, on account of the conjectures inserted in it, which he obtained from his father Janus Dousa and his father's friend Joseph Scaliger. Lachmann, who intended to edit Lucilius, wrote an essay de Metris Lucilii librorum (Index Lect. Berol. 1849), and inserted a good many conjectures into his edition of Lucretius. On his death his papers were committed to M. Haupt, who has himself since died. According to Lucian Müller, who has inspected them, they are not in a sufficiently perfect state to be published; and we shall probably not see the expected edition (Quaest. Lucil. p. xxviii). The most convenient edition up to the present time was that of Gerlach (Zurich, 1846), which was deficient, according to our present standard. That of Müller himself will probably be the best for some time to come, but I have not been able to use it sufficiently long to judge it fairly. I have of course revised all the passages in the text with its assistance. I cannot say that I have in many instances seen cause to adopt his conjectures, where he stands alone. The temper of the prolegomena (Quaestiones Lucilianae) is not pleasant, both in what he says and in what (more Germanico) he omits to say, e.g. he never mentions the name of Gerlach, referring in one place quite casually to the 'editio Turicensis,' p. xxviii. I have to thank Prof. Robinson Ellis for very valuable assistance and advice, especially on the text. He has most kindly given me the use of his MS. translation and notes on a good many passages, as well as of a collation of a great part of the Harleian MS. of Nonius. He has also printed a text of some of the fragments, and a review of Francken's Coniectanea Critica and Müller's

edition in the Academy for May, 1873. Francken's Coniectanea is also an important book.

Notes on the Fragments.

Book iii. In this book, according to ancient testimony, Lucilius described his journey to the Sicilian straits; but it also contained much criticism of earlier and contemporary poets, Ennius, Pacuvius, Accius, Caecilius, and Terence. It served no doubt (as Porphyrion suggests) for the model of Horace's journey to Brundisium.

iii. 6. Gellius quotes this passage to illustrate the phrases, 'susque et deque ferre' or 'habere,' which he explains as 'animo aequo esse et quod accidit non magni pendere,' etc., and nearly = Greek ἀδιαφορεῖν. The literal translation will be 'up and down,' the idea something like the French 'tant bien que mal,' not inclining one way more than another, an expressive phrase for the little rubs of travelling. L. Müller refers to Plaut. Amph. iii. 2, 5, Fest. 290, Ritschl, Op. ii. 272. Αἰγίλιποι is not the Greek form, but αἰγίλιπες. Priscian, p. 710, quotes Athonem from Cic. de R. P. iii (Lucian Müller).

Book iv is compared by the scholiast on Persius to his third satire, 'Hanc satiram poeta ex Lucilii lib. iv transtulit castigantis luxuriam divitum et vitia.' Gerlach adds that the second satire of the second book of Horace is really nearer, and that we can suppose neither to have drawn much of their form from Lucilius.

iv. 1. *O lapathe, ut iactare, nec es satis cognitus qui sis*, 'O sorrel diet, how people boast about you, and yet know very little what you really are; you, over whom that wise Laelius used to pour forth his censures, arraigning our gluttons one after the other.' There can be no doubt that this is the right reading and interpretation, though editors before Lachmann seem to have thought it worth while to alter the text and obscure the sense, misled by the bold personification. Cp. Varro, Modius (Menipp. p. 171, Riese), 'hanc eandem voluptatem tacitulus taxim consequi *lapatio* et ptisana possum,' and Hor. Epod. ii. 57. *Iactare* is of course 2nd person of the passive. *Clamores* may either be applause (Ellis) or censure. I am inclined to the latter.

Gumiae is derived by Madvig, ad loc. from γέμειν. Festus (Ep. p. 412) connects it with a number of words like *ingluvies, gula, guttur,* which (as Mr. Ellis remarks) seems to show that it conveyed a physical idea to him. It *may* be connected with our word *gums*, Germ. *Gaumen*. So in xxx. 44, Ellis reads *gemiae illisae*, 'battered gums' = gluttonous old women. Cp. *ventres* in a similar sense. This Laelius is of course the friend of Scipio Aemilianus. *Sophus* is put for *sapiens*, metri gratia (L. M.).

iv. 2. See on Horace, Sat. ii. 2, 46, 'haud ita pridem | *Galloni* praeconis erat *acipensere* mensa | infamis.' Cicero twice uses his name as a type of gluttony and extravagance, pro Quinct. 30, and de Fin. ii. 28, 90 (Gerlach).

iv. 7. Nonius quotes this as an instance of *spurcus* = saevus, sanguinarius. Benfey compares it with περκνός. It can hardly be separated from Latin *spargo*, and seems to have meant originally 'spotted,' 'bemired,' 'dirty.'

Samnis describes his profession—a gladiator distinguished by wearing the arms of a Samnite soldier, the winged helmet, scutum, ocrea, and manica. He was also a Samnite by birth, being a native of Aesernia. The name Aeserninus is found as

a cognomen of a man of low class, Inscr. Neap. 5070, Wilmanns, 2701. For *Pacideianus* cp. the passages quoted under the text. He must have been engaged in a real fight, which, from Lucilius' description, afterwards became classical. Horace attempts a similar description in the journey to Brundisium. *Post homines natos*, 'since creation,' Ellis, who compares Cic. pro Balb. x, 'post genus humanum natum.' *Optimus multo . . . unus*, the latter word heightens the superlative that it *follows*, 'far the best of *all*.' When used *before* a substantive it has rather the force of our vulgarism 'regular,' e.g. Catull. xxii. 10, '*unus* caprimulgus aut fossor;' Cic. Philip. ii. 3, 7, 'cum *uno* gladiatore nequissimo.' Sometimes it is weakened in force to *any*, and almost to *a*.

iv. 8. This is spoken apparently by Pacideianus, who may be supposed to have been victorious after Aeserninus had bit off his ear, according to Cic. ad Q. F. iii. 4, as Francken concludes. Tischer's emendation, though very plausible, is almost too simple to have been corrupted, considering the common use of *fur* as a term of abuse. Scaliger's *furiae*, 'the madman,' is more probable. Cicero several times applies it to Clodius. Ellis well translates, 'I hate the fellow, I go to the battle in a rage; there is not a thing I look for so impatiently as the moment when my rival fits his sword to his right hand; so violently am I transported with anger out of mere passion and hatred of the man.' Note *studio atque odio* nearly = 'passionate violent hatred.'

v. 1. In this fragment we find the poet complaining to a friend of his negligence in visiting him in sickness. The friend (Scaliger acutely suggests) may have been a rhetorician, at any rate Lucilius addresses him with some allusion to rhetorical terms.

mansi, 'notwithstanding my illness you *still* treat me with neglect, as if I was no more than a chance acquaintance.' *mansti* is generally accepted as a correction, 'because you are content to be as indifferent to your friend as the world at large are;' but it does not seem necessary. *Hoc nolueris*, etc. Ellis translates, 'If you object to this rhyme of *nolueris* and *debueris*, because it is a violation of the rules and a trick of Isocrates' school, and besides mere inanity and child's vanity from first to last, I do not waste my trouble.'

vi. 1. This fragment evidently describes a miser never separated from his bag of gold: cp. Horace's 'congestis undique saccis indormis inhians,' S. i. 1, 70 (Gerl.) *Bulga* is said to be a Gallic word. Cp. the Welsh *bolgan* ('a pouch'), Eng. *bulge* and *budget*, the latter through the French *bougette*.

ix. This satire was evidently one on grammar, especially on orthography, and in it he is further said to have criticised the poems of Ennius and Accius, but there are other fragments which do not seem to suit the subject.

ix. 2. May very probably be directed against the custom of doubling vowels which Accius had taken up (see Introd. ch. ii. 8 and iii. 3). The $\bar{a}$ of *longa* is unexampled in the extant fragments, but Lucilius may have allowed himself the licence before *br*; the omission of the copula (as Mr. Ellis remarks) is idiomatic, as the words are opposites. *eodem* by synizesis; so *eburneo*, xxvi. 8, and *eodem*, inc. 11. *ut dicimus*, 'we will write as we pronounce,' i.e. one vowel, not two. It may, however, perhaps be a sort of apology for the phrase 'uno eodemque.'

ix. 3. AR is close to the MSS, though elsewhere the name of the letter is given as *er*. This consonant in fact seems, like *ha* and *ka*, to have a natural affinity to the guttural vowel. Ellis translates 'Ar. This ill-sounding compound is very much as if I say with a dog's tongue "nihil *ar* me" (ar-r-r) for "nihil *ad* me." This (ar) is the name of the letter R.' *Nomen hoc illi est* is the MS. reading in Velius Longus; in x. 12, atque *si hoc* unumst, it is close to the MSS, which have *sioc*, elsewhere it is doubtful. But if, as Mr. Ellis thinks, these two passages are proof enough for the usage of Lucilius, it may fairly be introduced elsewhere where the text is corrupt, and such a change is otherwise probable. A case in point is the first line of this fragment. *Hoc* is of course long in Augustan and post-Augustan writers, but it seems to be short in the comedians, and the usage of Lucilius is in other respects not strict.

canina lingua. Persius, in imitation of this, says of the letter *r*, i. 108, 'sonat haec de nare canina | litera.' It seems probable too that Lucilius spoke in the same way in his first book, from which Nonius, p. 31, quotes as follows: '*Irritare* . . . provocare: tractum a canibus, qui quum provocantur *irriunt*, Lucilius Satyrarum, lib. i:

Irritata canes quam homo quam planiu' dicit.'

nihil ar me. Gerl. p. lxviii. refers to Plaut. Truc. ii. 2, 17:—

'An eo bella es, quia adcepisti? *ar me* advenias :: nunc places.'

ix. 6. The rule here laid down seems to be to write simple *i* in the genitive of the *o* declension and the dative of the pronominal, and to write *ei* in the nominative plural of the same declensions, and in the dative singular of the *i* and consonantal, or, according to Lachm. and L. M., in the vocative of nouns ending in *-ius*. (He reads the line '*Mendaci*' 'Furique' (i.e. genitives). Addes e cum dabi, 'Furei' Iusseris.) The rules of Lucilius are not borne out by inscriptions or the general practice of authors, but seem to have influenced Varro and Nigidius.

utroque, sc. elemento, 'wants both letters.' *iacimus;* see Introd. ch. xiv. § 6.

ix. 12. *quidre huic intersiet illud.* Some such conjecture seems necessary in place of *hoc.*

xv. 1. *naris* is a monosyllable, according to L. M. cp. D. R. M. p. 217, where he cites *cuius eius*, etc., as monosyllables, from heroic poetry and other parallels.

xx. 1. *Fauni.* Cp. Enn. Ann. 222 and Varr. L. L. vii. 36. Lucretius, ii. 55–58, has imitated this passage. Müller puts it into book xv, on the authority of Nonius, and on account of its similarity to the preceding.

xxii. 2. *columella*, so *columen* is used of a slave, Ter. Phorm. ii. 1, 576 = 286, 'bone custos salve *columen* vero familiae,' where Donatus quotes this passage. *situs* for *situs est*, cp. El. Scip. C. 34, *is hic situs quei nunquam*, e. q. s.

Ex lib. inc. 1. Müller calls this 'fragmentum illud nobilissimum de virtute, quod ego cum Dousa inter magnificentissima poesis Latinae rettulerim monumenta,' p. xxxii, and is very angry at Mommsen's word 'Knittel-verse' applied to Lucilius (though not to this passage). *Albinus* is perhaps A. Postumius Alb. cos. v. c. 603, B. C. 151 (L. M.)

Ex lib. inc. 1, l. 6. *rei*, monosyllable, often written *re.* So *plebeiscitum*, etc.

l. 8. *debetur honori.* Cp. Hor. Ars Poet. 167, 'inservit honori.' In both cases it

seems to mean the effort to gain place and dignity for a man's self rather than the dignity of others.

Inc. fr. 2 and 3 are good instances of Lucilius' censure, both of the people and of the 'primores populi.'

Fr. 3 is of course not spoken in the person of Lucilius himself, but of Q. Mucius Scaevola, propraetor in Asia, A. U. C. 633, B. C. 121, who no doubt met T. Albucius at Athens on his way to his province. Cicero tells us of Albucius that he was 'paene Graecus,' 'fuit Athenis adulescens; perfectus Epicureus evaserat.' Albucius showed his *hostility* to Scaevola (which may have had other causes than this sarcasm) by accusing him of extortion in his province after his return from it, Cic. Brut. 26, 102. L. M. in his emendation and notes, seems to have missed the point of the passage, or to have perversely rejected what is obvious for something recondite. Scaevola (in brief) describes how he met Albucius at Athens, and, to satirize his affectation of Greek manners, saluted him in Greek, a jest which was taken up by all his (Scaevola's) retinue, beginning with the lictors, in consequence of which public insult Albucius became his enemy. Such a note as '*hostis* quia Graecum se haberi volebat Albucius,' and such an emendation as 'lictores turma omni', cohorsque χαίρετε,' apparently making Scaevola address his own staff—are simply astonishing.

l. 2. *Pontius* is mentioned as a very strong centurion by Cicero, de Senect. 33. *Tritanus* cannot well be the gladiator mentioned by Pliny, H. N. vii. 19, after Varro (Gerl.).

Inc. fr. 4. L. M.'s emendation of the last line, though not supported by the MSS, is plausible enough. He remarks on the constant suppression by copyists of the truncated *s*. With *vermiculati* he compares Varro's Sat. Men. ταφὴ Μενίππου, where 'facies maeandrata et *vermiculata*' has been rightly restored for *vinculata*. Prof. Ellis defends the vulgate, of course translating *arte* as an adverb, 'artistically,' as in Gell. iii. 5, 'capillum *arte compositum*.'

Cap. X.—Q. LUTATII CATULI VERSUS. P. 325.

Q. Lutatius Catulus, the conqueror of Vercelli and colleague of Marius, was famous not only for his military and political activity, but for his culture and integrity. He committed suicide, B. C. 89, to escape the condemnation which Marius had determined against him. He was an orator and historian rather than a poet, but the fragments of his prose writings are not of much interest. They are from his book 'De Consulatu et de Rebus Gestis suis,' his 'Communes Historiae,' apparently a Euhemeristic book on early history (not merely sacred history), and one of antiquities. Cf. Teuffel, § 136, 4, and Peter's Fragments, pp. 191–194.

The second epigram is evidently imitated from one of Callimachus' preserved in the Anthology. The second distich is very obscure. Mr. Ellis writes, 'I think the meaning is as follows:—"My soul has fled away. Doubtless as usual it is with Theotimus. Yes, it is so: that is its place of refuge. And suppose I had *not* forbidden him to admit the runaway in doors, had charged him to turn it out instead? (would it not be there? Certainly it would: therefore, in spite of my

prohibition, it is probably there *now*). I shall go to look for it. But in truth I am afraid I shall be held prisoner myself. What am I to do? Venus, advise me!"' I am, however, inclined to think he means: 'Why? *I should not be surprised* unless I had forbidden him,' etc. *Si non interdixem* gives his reason for doubting about the matter. For *interdixem* see Introd. xviii. § 12. It is difficult to choose between *qui* (ablat.) and *quid;* nor does it much matter whether we put the interrogative directly after it or only at the close of the distich.

Cap. XI.—EX LABERII MIMIS. Pp. 326, 327.

D. Laberius, a Roman knight and famous as a composer of mimes, was requested by the dictator Julius Caesar to go upon the stage. This took place v. c. 709, and we are fortunate in possessing the prologue in which he describes his feelings on the occasion. Caesar was so offended by his free speech (says Gellius, xvii. 14, 2) that he used to declare his preference for P. Syrus over Laberius—from which we may infer that Laberius was undoubtedly in reality the best. He seems to have been the first to give a literary character to the mimus, which had no doubt a much older existence as a popular kind of drama. It began now to supersede the old fabula Atellana (see Teuffel, §§ 7, 8, notes). The name 'planipes' was given to it from the naked feet of the actors; its character was one of noisy gesticulation, practical joking, slapping and tumbling; its plots and action generally very gross, and its language similar to its action, with a curious mixture of sensible and sententious proverbs (cp. the aretalogi); its main object to excite a laugh. It differed from the Atellan fable by the absence of the standing characters, and from the Togatae by the preponderance of mimicry and gesture. The later pantomimus was action and gesture without dialogue.

Restio. These words are spoken in the character of an old miser deploring the extravagance of his spendthrift son. *elucificare* = *elucum facere,* i.e. 'to stupify,' 'dull the close of my life.' For *elucus* see Fest. s. vv. elucum and helucum, pp. 75, 100, and Gell. xvi. 12. It can hardly be separated from ἠλύγη.

Prologus. *Extremis sensibus* is harsh, but perhaps means 'has thrust me down almost below anything I could have imagined.'

105. *mente clemente.* Caesar particularly affected *clemency.*

109. *bis tricenis* = sexaginta: hence we learn the year of his birth.

111. *mimus,* the emphatic word kept to the last. From the character of the mimes described above, a *mimus* or *mima* was naturally much more infamis than a histrio. In the very play Laberius acted as a Syrian, 'qui velut flagris caesus praeripientique se similis exclamabat *porro Quirites,* e. q. s.' The following line, also directed against Caesar, came shortly after.

127 foll. are recorded by Macrobius (see below, introd. note to P. Syrus) as having been spoken under the following circumstances. P. Syrus was brought forward at Caesar's games and contended with the best writers of the time, challenging them to choose a subject, and giving himself one in return, and surpassed them all, and among others Laberius. Caesar gave his judgment in the line—*Favente tibi me victus es, Laberi, a Syro,* and therefore gave Syrus the palm, and Laberius a ring with 500 (500,000?) sesterces, perhaps to show that he

had not after all lost his equestrian status. Publius said to Laberius as he retired,

Quicum contendisti scriptor, hunc spectator subleva.

'Sed et Laberius sequenti statim commissione mimo novo interiecit hos versus *non possunt*, e. q. s.'

Laus est publica, i. e. glory is no man's own possession but the gift of the changeful 'popularis aura.'

Cap. XII.—MISCELLANEA. Pp. 327, 328.

§ 1. P. Publilii Syri Sententiae.

'Publilius natione Syrus cum puer ad patronum domini esset adductus promeruit eum non minus salibus et ingenio quam forma. Ob haec et alia manumissus et maiore cura eruditus cum mimos componeret ingentique adsensu in Italiae oppidis agere coepisset, productus Romae per Caesaris ludos (A. V. C. 709) omnes qui hinc scripta et operas suas in scenam locaverant provocavit ut singuli secum posita invicem materia pro tempore ostenderent, e. q. s.' Macrob. ii. 7. Syrus was evidently strong as an improvisatore, and curiously enough, though we have many of his single lines, almost enough to make a book of proverbs, we have only two apocryphal titles of his plays. The best edition of these Sententiae, which were much interpolated in the middle ages, is said to be by E. Wölfflin, Leipz. Teubner, 1869. (Teuffel, § 198, 3 and 4.) Ribbeck has a new recension of them in his last edition.

I hesitated whether to give the one longer fragment attributed to Syrus, which appears in Petronius; but it has not much to recommend it, and I have decided in favour of the *Sententiae*, choosing those which have ancient authority. A great number of them occur in Gellius, xvii. 14, and Macrob. ii. 7, 10. They do not seem to require illustration or comment.

§ 2. Epigramma Plauti.

Gellius says he should have doubted of the authenticity of this Epigram if he had not found it in Varro's book 'De Poetis.' Varro, it is well known, had taken great trouble with the criticism of Plautus.

mortem aptus is the reading adopted by Hertz on MS. authority; see the note of Gronovius, who, however, follows Scaliger in his text, reading *morte datu'st*, making *morte* a dative. 'Vitam *aptus*' is quoted by Non. p. 234, 25, from Pacuvius, but I do not find it used with *mors* in the old writers. On the other hand, 'mortem adipisci' is used by Suetonius of suicide. Plautus must have used it in a perfectly indifferent sense (perhaps with a tinge of irony) as κτᾶσθαι, χρῆσθαι are sometimes used in Greek. So 'potitust hostium,' in the Captivi, probably means 'has got hold of the enemy,' half-comically put instead of the reverse. So our common people constantly say, 'Do you belong to this cart?' or, 'Do you belong to this luggage?' *Desertā.* Introd. iv. 4, vi. 5, etc.

Numeri innumeri. It is doubtful whether *innumeri* = innumerabiles or rudes, incompti. The second gives better sense, if it is not too literary a thought for Plautus, supposing he was the author of the lines.

§ 3. C. Iulius Caesar de Terentio.

These fine lines are well commented on by Reifferscheid and Ritschl. I have followed the text and pointing of the former, which differs in several respects from that ordinarily given, especially in the separation of *vis* from *comica*.

Maceror ac doleo is Rothe's and Reifferscheid's reading after one MS. The Paris MS. has *audoleo*. Ritschl makes various suggestions—*hoc doleo, hoc docto, hoc lecto, hoc dulci;* and ends up with *aureolo* as the most probable—a Bentleian conjecture not likely to find acceptance with a careful editor. *Maceror* is used in a similar way, Ov. Heroid. 2, 125:—

'Maceror interdum quod sim tibi causa dolendi.'

The criticism of Terence in this passage is very fair, and must be echoed by any candid reader. Suetonius quotes some lines of Cicero in Limone (cp. Pratum, of a Miscellany, and Gell. praef. 6, Plin. H. N. praef., etc.) to much the same effect, only more appreciative. I have given them according to Reifferscheid's text:—

'Tu quoque, qui solus lecto sermone, Terenti,
Conversum expressumque Latina voce Menandrum
In medium nobis sedatis motibus effers,
Quiddam come loquens atque omnia dulcia miscens.'

§ 4. Volcatius Sedigitus.

Only mentioned here and in Suetonius' life of Terence, pp. 29, 33, Reifferscheid. He seems to have been an elder contemporary of Cicero. See Teuffel, § 15, 3; 124, 3.

I have given these lines according to Hertz's text. They present a curious judgment on the comic poets, especially on Terence.

3. *eum meo,* monosyllables by synizesis, making one foot.

5. *do mimico.* Gron. has *comico;* Cod. Reg. has *minico*, from which *mimico* is an evident inference, and of course is in point, which *comico* is not. Caecilius was specially noted for his representation of the passions: see note above, p. 595.

7. *Naevius qui fervet.* See above, introductory note, pp. 572, 573.

8. *Licinius Imbrex,* mentioned as the writer of a Neaera, Gell. xiii. 23, 16, Fest. Ep. p. 109: else unknown.

9. *Atilius,* called by Cic. ad Att. xiv. 20, 3, 'Durissimus scriptor.' We have a few fragments of his comedies, from which he got the name Misogynos. Varro has a word in his favour (ap. Charis. ii. p. 215), 'Πάθη Trabea, Atilius, Caecilius facile moverunt.'

11. Two fragments only of *Trabea* are preserved, but a good many (short ones) of *Turpilius.* One of the passages from Trabea (ap. Cic. Tusc. iv. 31, 67) may be quoted as at any rate written in a lively style:—

'Lena delenita argento nutum observabit meum,
Quid velim, quid studeam: adveniens digito impellam ianuam,
Fores patebunt; de improviso Chrysis ubi me aspexerit,
Alacris obviam mihi veniet complexum exoptans meum;
Mihi se dedet: Fortunam ipsam anteibo fortunis meis.'

Sectio Tertia.

EXCERPTA EX PROSAE ORATIONIS SCRIPTORIBUS.

GENERAL INTRODUCTION.

The cultivation of a prose literature is almost always later than that of poetry. Much that with us belongs to prose is at first conceived in a metrical or rhythmical form, and oratory, that great fountain of prose, is allowed in early times to well up without rule or boundary. The idea of a middle ground between ordinary talking and the stricter form of poetry or rhythm is a complex one, and belongs obviously to a settled and polished state of society, with leisure for thought and precision of statement, and with mechanical appliances for writing. This rule is as true for Roman literature as it is for Greek, or English, or German, but unfortunately we have little of early poetry or early prose by which to illustrate it. The following sketch of the beginnings of Roman prose may, however, be taken as approximately true.

The Saturnian metre is a real one, though the rules by which it is governed are not nearly so strict as those of the hexameter or even the comic iambic. (See p. 396 f.) But beside and beyond it there were yet looser rhythms, which it is impossible for us to reduce to the normal forms of Greek or Latin metrology. The hymn of the Arval brothers contains some Saturnian lines, or half lines, as the first, third, and fifth, but of the rest we can only say that they are logaœdic, a mixture, as far as we can see, of dactyls and trochees. So again, the poor fragments of other hymns or early didactic poetry, which may be seen in the introduction to the notes on the preceding section, cannot be reduced with any certainty to metre. There arose in this way a species of intermediate rhythms, capable of being chanted, and out of these probably came the first efforts of Roman prose. The proverb, the wise saw, the legal or religious formula, to a certain extent the epitaph and the dedicatory inscription, perhaps even the entry in the annal, belong to that border-land, or *μεταίχμιον*, between conversation and poetry. They have a constant tendency to fall into sing-song, or metre, just as savage or half-taught natives take to intoning, or uneducated people drop into blank-verse or rhyme. But the commonplace nature of the ideas they express acts the other way, and brings them back into the tone of ordinary conversation, and the nation discovers, like M. Jourdain, that it has an unthought-of faculty for prose.

We have too little information about the severer side of Roman writing, the raw materials of history, the annales pontificum, and the commentarii of the different colleges of priests and magistrates. Perhaps some attention to these may have preceded the cultivation of lighter matters. See the fragments quoted by Varro, pp. 366, 367[1]. But the first

[1] I may be permitted to refer to the third of my Introductory Lectures as containing a general sketch of the elements of Roman prose in the earliest times. See also Mommsen, R. H. book ii. ch. 9 (especially p. 486 of the first vol., E. T.).

attempt at style seems to have come from a different quarter. As we should expect amongst a nation like the Romans, devoted to public life, this was an attempt to make their oratory more accurate and stately by reducing a noble specimen of it to writing to serve as a model to aspirants after eloquence.

The old laws, even the XII Tables, partake of the intermediate character, which the Romans described, just as they did true poetry, by the word *Carmen.* (See Introd. to XII Tables, § 3, p. 508, and note on Table x. 3, p. 535). But when Appius Claudius the censor writes down his great speech against receiving the ambassadors of Pyrrhus, true literary prose has begun. *Prose* is, of course, *prorsa,* or *proversa oratio*, going straight on, without let or hindrance from the rules of metre—or, as Donatus has it, 'quam non inflexit cantilena.' To have discovered that it was possible to write in this direct form something that was beautiful in its way, and rhythmical in a new sense, and therefore that would be worth preserving, was by no means one of the least triumphs of the great censor.

It is much to be lamented that we do not possess this speech, which would have shown us, probably more than anything we have retained, the real genius of the Latin language. For directly after the time of Appius, that Hellenizing influence began to prevail which altered so strikingly the style as well as the character of the nation. As regards the poets, the details may be found in the last section; prose writers were at first so overpowered by it that they preferred to write in Greek rather than Latin. Such were the historians Fabius Pictor, Cincius Alimentus, C. Acilius, and Postumius Albinus. M. Porcius Cato, the champion of all that was national, was the first to take heart, and to write in his mother tongue something that might really be called history, and he appears to have composed his Origines on a sensible and almost original method, with an attention to classes of facts that were generally overlooked by his countrymen. But he was distinguished not only in one department of literature; many of his orations were treasured up in after ages on account of their pregnant humour, biting sarcasm, and strong practical good sense, qualities which we can still discern in the fragments. His treatise on agriculture has survived in a modernised form to our own days, and contains much that may be read with interest, and even profit; and we know that he wrote also on medicine and rhetoric, as well as a *carmen de moribus*, the character of which may be gathered from the extracts given by Gellius. (See p. 343).

I have endeavoured in the following selections to give passages which are characteristic in point of style, and at the same time worth reading for their own sake. They might have been improved by adding considerably to their number, especially in the cases of Cato and Varro, but the book is already larger than is altogether convenient. The selections from the *Historians* are unfortunately very much modernised. It is difficult indeed to estimate what we have lost in them in respect of matter no less than style. But we are forced to conclude that history, as we understand it, was an art in which the Romans did not naturally excel, Cato being to some extent an exception. The earlier

writers seem to have found it very difficult to rise above the dry registry of facts and fictions which is suggested by the title *annales*.

'With the talent of a poet for inventing lies,' says Mommsen (vol. iii. p. 471), 'these noble chroniclers combine all the tiresome exactness of a notary, and treat their great subjects throughout with the dulness which necessarily results from the elimination at once of all poetical and historical elements.' Even a man of the capacity of CALPURNIUS PISO, who wished to give prominence to the ethical element, seems to have laid himself open to the charge of 'telling stories to children' rather than writing history. A new era opened 'with COELIUS ANTIPATER and SEMPRONIUS ASELLIO, who confined themselves to definite and recent periods. Antipater was perhaps the first who attempted to infuse life and vigour into the style of his composition. Sempronius Asellio had a notion of higher things, taking from Polybius the idea of a history connected by cause and effect, while he gave place to delineations of character, but fell back into a simpler manner than that of Antipater' (cp. H. Peter, p. ccxlix). We can judge of the style of CLAUDIUS QUADRIGARIUS better than of most of these writers. It is very concise, and wants variety and copiousness, but it shows that careful observation which almost amounts to picturesque narrative. We may guess that Livy took from Claudius some of his best descriptions of single scenes, which he knew how to freshen up to suit the taste of his own time. The name of VALERIUS ANTIAS has almost passed into a proverb for bad faith and exaggeration. There can be no doubt that he had an indiscreet passion for the marvellous and mythical (e. g. cp. the fragment given p. 350), and that he indulged his vanity by collecting and colouring up the exploits of members of his gens. He it was probably who misled Livy in his first decade by his enormous figures, but the latter takes care to repay him in the remaining books with a constant reference to his lying propensities. (See the citations in Teuffel, § 142, 3).

The fragments of orators are among the most striking relics of this period. All of them have an interest, as all of them evince power of language and intensity of feeling. This is particularly true of SCIPIO AEMILIANUS, TITIUS, and C. GRACCHUS. The latter especially seems, even from these scattered paragraphs, to have been one of the greatest orators who ever lived, and he is, I think, with Ennius and Varro, the writer we should most desire to have restored to us.

Of VARRO we have the means of forming something more of a judgment than of any of the rest. There is some evidence that his style was almost as varied as his acquirements were encyclopaedic. His mind was, however, prosaic, though less so in all probability than that of the greatest Latin stylist, Cicero. The fragments of the Menippean satires show a genuine and even subtle humour; and the lighter parts of the de Re Rustica (which is insufficiently represented in these extracts) are a great contrast to the hard and coarse grained stuff of which the book on Latin grammar is composed. The list of his works (incomplete as it is), taken in connection with what is extant of them, gives us a picture of one of the most marvellous minds that ever existed.

Cap. I.—EX M. PORCII CATONIS RELIQUIIS.

Introduction.

M. Porcius Cato, born at Tusculum 234 B. C., was a self-made man, who acquired his reputation as a soldier, and quickly rose to the highest offices of the state, becoming consul at thirty-nine and censor at fifty. His character is admirably described by Livy, xxxix. 40, q. v. Cicero touches frequently on it, especially in his 'Cato Maior sive de Senectute.' Cornelius Nepos wrote a biography, which is lost, but we have a short sketch extracted from his book De Latinis Historicis. Lastly, Plutarch, in his own delightful way, has given us his life. Cato was to his countrymen of a little later date a sort of national hero. He no doubt really summed up in himself the natural virtues and defects of the Roman noble. He had great industry, public spirit, courage, and honesty. He had oratorical and descriptive power in no slight measure, and a real, if rather rough and quaint, humour. On the other hand, he had not a spark of imagination, and was in consequence often hard, selfish, and short-sighted. These characteristics appear both in his life and in the extracts here given from his writings. Some wit of the opposite party no doubt thought the combination so unpleasant that he wrote his epitaph as follows (ap. Plutarch. 1):—

πυρρὸν, πανδακέτην, γλαυκόμματον, οὐδὲ θανόντα
Πόρκιον εἰς Ἀΐδην Περσεφόνη δέχεται.

§ 1. Cato's Works. De Re Rustica.

Cato was certainly the first Roman author on any large scale: see above, p. 608. We may say something of his works in the order in which they appear in the text.

The book *De Re Rustica* has been preserved to us in a modernised form, and can hardly have been composed in the same order as it now stands. It seems to be intended rather as a special handbook for the use of a certain L. Manlius, who had olive plantations and vineyards in Campania, than as a general treatise on agriculture. (Cp. Teuffel, § 111, 2. The name occurs in the *leges* or contract formulae, ch. 144, 145.) Yet it is remarkable that Cato and Varro say comparatively little of the cultivation of cereals, especially wheat. The neglect of this part of the subject by Italian farmers was probably one of the blots which Vergil's Georgics was intended to remove. The main body of Cato's book is made up of directions for growing and making wine and oil, and many culinary and medical receipts, as well as formulae of sale and contract with respect to produce, which latter ought perhaps to have been represented in these selections. Cp. Bruns, pp. 220–222. I have given, however, what cannot fail to be most generally interesting.

The text of the book was modernised doubtless at an early date, and before any MSS. of which we have any direct knowledge. Unfortunately the best of these, that of S. Mark's library at Venice, can now nowhere be found. It contained Cato and great part of Varro when it was excerpted by Politian and Victorius.

The latter seems to have done more than anyone else to give a genuine text, and especially one cleared from the interpolations of clever unscrupulous Merula. See H. Keil, Observationes Criticae in Catonem et Varronem, Halae, 1849—an important essay, which it is still to be hoped may be followed by a critical edition. The best editions of the Scriptores Rei Rusticae together are those of Gesner (in 2 vols. 4°) and Schneider (4 vols. 8°. 1794–1797).

§ 2. Origines.

The fragments of the other books of Cato have been collected and edited by H. Jordan, Teubner, 1860. I have used his prolegomena pretty freely in the following pages. The remains of the Origines have lately been re-edited by H. Peter, in his Historicorum Romanorum Relliquiae, Teubner, 1870, which I have also used.

A great deal has been written as to the meaning of the title Origines, which need not be repeated here. We may safely follow the account of Nepos, so far as to believe that it was taken from the subject of the first three books—the *beginnings* of Roman and Italian history. The continuation was probably an afterthought. Cato was engaged upon it in his old age, and had not finished it at his death, and might perhaps have altered the title if he had lived. (So H. Peter, p. cxxxvi, and Teuffel, § 109, 2.)

The following seems to have been the argument of that part of the first book relating to the myth of Aeneas. (Cp. what is said above of Naevius, p. 572 f., and Ennius, p. 581 f.) He comes to Italy with his father and founds a town called Troy, and receives from King Latinus 2700 iugera of land, and Lavinia his daughter to wife. Afterwards hostilities arise from the forays of his men upon Latin territory. Turnus joins Latinus, being incensed at the loss of his betrothed Lavinia. A battle is fought near Laurolavinium, in which Latinus is killed. Turnus renews the war in alliance with Mezentius, and is himself killed in a second battle, at the end of which Aeneas also is removed from human sight. The war continues between Ascanius and Mezentius, who in the end is killed by the former in single combat. Ascanius, at the end of thirty years, founds Alba.

The fragments, as given by Servius, are not quite consistent. In two places (fr. 10, 11), Latinus and Turnus are together against Aeneas, in another Turnus is alone against Latinus and Aeneas. The passage is to be found ad Aen. vi. 670, and should perhaps, in fairness, have been given in the text. He says there, 'Aeneas, ut Cato dicit, simulac venit in Italiam Laviniam accepit uxorem, propter quod Turnus *iratus tam in Latinum quam in Aeneam* bella suscepit, a Mezentio impetratis auxiliis, e. q. s.' Authorities differ as to what Cato really did say. It is best, I think, to follow Jordan and H. Peter (rather than Schwegler and Rubino), and to suppose that Servius, in this last passage, confused Cato's version of the story with Livy's. See Jordan, p. xxviii, Peter, p. cxxxix.

In the second and third books Cato seems to have treated of the Gallic and Italian nations, proceeding down the peninsula from north to south, a geographical account which would have been of the greatest value to us.

In the books that followed he is said to have described the events *capitulatim*.

i. e. probably omitting trifling details (iv. 1), but giving some scenes, at any rate, at length (iv. 7). When he came to his own times, he became more diffuse, inserting his own orations for the Rhodians and against Servius Galba, and probably others. In the last book he gave some details of Roman life and manners (vii. 10, 12, 13), but in what connection is uncertain.

§ 3. Orations.

The life of a man like Cato, constantly in opposition, was productive of an endless number of political controversies. He was himself brought to the bar on forty-four different occasions (Plin. N. H. vii. 27, 100, Plut. Cato, 15), and was equally fond of accusing his opponents. Besides this, he was actively engaged in defending the causes of others, and in supporting, or opposing, public measures in the comitia or the senate. Cicero knew, in his day, one hundred and fifty of these speeches (Cato Maior, 17, 65), and ascribed to him a fertility equal to that of Lysias (Brutus, 16, 33). We still know something of about eighty. Of these, says Jordan, p. xiv, 'dimidia fere pars in iudiciis causisque versatur, in suadendis dissuadendisque legibus atque in sententiis senatoriis altera pars. Quibus se defenderit Cato sex orationum, nisi fallunt inscriptiones, vestigia relicua sunt.'

It would be impossible, in our present space, to discuss the subjects of these speeches. That *de Sumptu suo*, from which I have given a striking fragment, belongs to a number which have to do with his conduct of affairs in Spain. His successes in that province, which was allotted to him after his consulship, gained him many enemies, but it seems probable that he was not brought to trial till five or ten years after his consulship (Jordan, p. lxviii.). The circumstances of the speech are very obscure.

The oration against Thermus, *de Virtutibus suis*, must have been after 189 B.C., in which year M. Fulvius Nobilior was in Ambracia (fr. 3). Q. Thermus, who was also a great opponent of Cato, set out for Asia in 189, and died the next year; it is therefore probable that the Thermus here attacked is his brother, L. Minucius Thermus (Jordan, p. lxxv.). The particular occasion is also unknown.

The same thing may be said of the oration against M. Caelius. The MSS. of Gellius read *si se M. Caelius tribunum plebis appellasset* (which is kept by Hertz). Meyer and Jordan prefer to read *tribunus*, making the *se* of course refer to Cato. If we keep the first, *se appellare tribunum* is hardly good Latin for 'to take the title of tribune,' though it might be translated 'appealed to him (Cato) as being tribune.' On the other hand, *appellare* = 'to accuse,' is almost unexampled. Jordan takes it in the sense of 'appealed to him as consul to put a veto on the proceedings of the other consul,' to which Mommsen objects that a tribune would have an equal right of intercession. (Jordan, p. lxx.) Mr. Davidson suggests *si adversus se M. Caelius tribunum*, etc., comparing the well-known 'tribunos plebis appello et provoco ad populum.'

§ 4. Libri ad Marcum Filium.

Plutarch tells us that Cato took great pains with the education of his son, and we learn, from other authorities, more exactly of the books which he wrote for his use. They certainly included the three subjects of medicine, agriculture,

and rhetoric, and possibly others. Plutarch, for instance, tells us that 'he wrote histories for him with his own hand, in large characters, that, without stirring from his father's house, he might gain a knowledge of the great actions of the ancient Romans, and of the customs of his country.' These could not be the Origines, which were a work of his later life, but might, no doubt, be a rough draft of portions of them.

I have given a notable fragment from the book on medicine. Jordan ascribes to the treatise on agriculture such wise sentences as 'Emas non quod opus est, sed quod necesse est; quod non opus est, asse carum est' (Sen. Ep. 94, 27); and 'quod tibi deerit a te ipso mutuare' (Sen. de Benef. v. 7, 6). The rhetoric contained the immortal phrase, 'Rem tene, verba sequentur' (Julius Victor, Art. Rhet. p. 197, Orelli), as well as the often-quoted definition of an orator, 'vir bonus, dicendi peritus.' Cato's own idea of rhetoric is illustrated by a definition of the 'vires causae' as 'propositio facti, cum persona eius qui arguitur, vel quolibet alio modo, invidiam comparans aut extenuans' (Marius Victorin. in Rhet. Cic. ii. p. 178 Or.).

§ 5. Other Books. Carmen de Moribus.

Jordan has collected the fragments of a book De Re Militari, of Apophthegmata, and Epistles, as well as others of more doubtful character. A quotation from one of his letters to his son Marcus is given on p. 283. The Carmen de Moribus followed perhaps in the track of that of Appius Claudius. It may be worth while to set down here the scanty relics of the earlier book, which Cicero tells us seemed to him of a Pythagorean tendency (Tusc. iv. 2, 4).

1. Prisc. viii. p. 792 P. gives the following lines as an instance of passive use of commentus = σεσοφισμένος (see Keil),

'Amícum cúm vidés oblíviscére misérias;
Inimícus siés comméntus, néc libéns aéque,'

which seem to be very poor Saturnians.

2. Fest. p. 317, s. v. 'Stuprum pro turpitudine . . . in Appi sententiis, qui animi compotem esse, nequid fraudis stuprique ferocia pariat,' where there is obviously a finite verb wanting to govern *esse*, perhaps *iubet*.

3. Pseudo-Sallust. de Ordinanda Republica, ii. 1, 'Quod in carminibus Appius ait: "Fabrum esse suae quemque fortunae."'

There are no such slight indications of verse in Cato's fragments as there are even in those of Appius, at least, I am unable to see them. I believe Fleckeisen once made them into Sotadic lines (see note on Aquilius, p. 595), as Ritschl has turned them into Saturnians (Poes. Saturn. Spicil. i. Bonn, 1854).

With regard to Cato's *matter*, it seems to have been more historical, and Appius' more didactic, in tone.

Notes on § 1. *De Re Rustica.* Pp. 329–337.

I have made free use of Schneider's notes, but have added a good deal to them. There is an interesting chapter in Mommsen's Roman History, bk. iii. c. 12, on the Management of Land and Capital, which ought to be read in connection with this subject.

PREFACE. *Est praestare* = praestat, seems to require a parallel which has not yet been found.

in legibus, see XII Tab. viii. 18, p. 261. Cato, according to Plutarch (c. 21), practised *fenus nauticum* to a large extent, making one of his freedmen, Quintio, his agent. But this was different from the usury prohibited by law.

Viri fortissimi. Pliny, N. H. xviii. 5, 6, quotes and paraphrases a good deal from this part of the book onwards.

1. *uti introeas*, 'take care to go in, and look about and see your way out again,' is Keil's reading, and certainly better than the vulgate. I suppose he means simply look at the gates, roads, rights of way, etc. *Uti introeas*, by an ellipse of *vide*, *facito*, or *curato*, etc., common in Cato, as *uti bene aedificatum siet*, in this chapter, *ut compareant*, *uti paretur*, *uti veneant*, in the next; cp. '*uti* nos victores facias,' Orig. i. 12, p. 338. It is found also in Plautus, Capt. i. 2, 6, 'Sed uti *adserventur* magna diligentia,' etc. (Cp. Holtze, 2, pp. 161, 162). So Greek *ὅπως παρέσει*, etc.

calamitosum, so he says, c. 35, 'fabam in locis validis non calamitosis serito.'

sub radice, quoted by Varro, R. R. i. 7, and Plin. xvii. 13.

ambulant, quoted by Gell. x. 26. Cicero uses the word of Xerxes *sailing*, De Fin. ii. 34.

De omnibus agris. Keil remarks that the praedium is not to be *one* out of the different kinds of *agri*, but to consist, if possible, of *all* of them, and in the order mentioned for choice. Notice that the *campus frumentarius* comes only sexto loco.

2. *Dicit vilicus sedulo se fecisse . . . vilicum revoca.* A good instance of Cato's humour. *Opus publicum*, probably mending the roads, *viam publicam muniri*, see Mommsen's note on the viasii vicani, Introd. to Lex Agraria, C. I. L. i. 200, p. 90.

operum operarumque = operum dierumque. 'Opera est quantum uno die operis potest fieri, et dierum significationem includit, recte monente Gesnero' (Schneider).

centones, 'patchwork quilts or curtains,' see below, c. 59.

Per ferias, cp. chaps. 5 and 138.

Nothing is more characteristic of the spirit of Cato (says Mommsen, ii. p. 368) than the way in which he inculcated the observance of the holiday in the letter, and evaded it in reality. He had a maxim that a slave ought either to be at work or asleep. The number of holidays and rainy days in the year was about forty-five (Columella, ii. 12, 9), without counting a month of rest in the winter, after the autumnal sowing. The most explicit passage on holiday work is Col. ii. 21. Cp. Verg. Georg. i. 268–272, with Conington's notes. Vergil seems more liberal than Varro (see p. 364), who is quoted by Servius ad loc. But Macrobius tells us that there is a point in *fluvio salubri*. Sheep-washing to get rid of scab was allowed by the pontifices, but not to cleanse the wool (Macrob. Sat. iii. 3).

aequo animo, 'without loss of temper.' *satis accipiantur*, the correlative of *satisdare*, 'wherever security is proper let it be taken.'

armenta delicula is a difficult phrase. *Armenta* are larger animals—head of cattle, not herds. The use of *delicula* is less certain. Varro says 'porci depulsi a lacte' are called by some *delici* (ii. 4, 16), but it is difficult to apply such a term

to *armenta*. Gesner supposes that both terms are derived from *delinquo*, which seems probable. Varro has a similar phrase, *reiculae pecudes*, ii. 1, 24; 5. 17, which would be without explanation had not Nonius (p. 168) happened to preserve a quotation from another work of his, which states that they = 'oves minus idoneae.' *Deliculas* may mean something very similar, e.g. blemished, defective in some of their points, cp. the ordinary moral sense of *delinquo*. Such are naturally weeded out of the stock, as well as what is old and worn out.

Cato's unfeeling treatment of his *slaves* provokes a criticism from Plutarch, which is very pleasant to read (c. 5). Varro is more politic, but does not express (so far as I know) anything of actual sympathy with regard to them. The feeling of cultivated people in imperial times was probably much better. See Columella, for instance, i. 8, 15, though he touches very slightly on the moral side of the subject.

3. *Torcularia* (torqueo), 'presses for making oil or wine.' See for details of construction ch. 18, and Rich's Dictionary, s. v. The early presses had no screw (Plin. xviii. 74), but consisted of a beam (*prelum*), fixed at one end, and forced upon the object to be squeezed by means of ropes (*funes*) attached to the other, which were drawn tight by a capstan (*sucula*), moved with levers (*vectes*).

vasa bina, 'two sets of instruments and utensils.' In chap. x. he gives a list of the stock and implements required for 240 iugera.

trapetos. The nom. *trapetus*, *trapetum*, *trapes* (Gr. τραπητός, etc.) means an olive-mill used for separating the flesh of the olive from the stone before pressing it. This had to be done without crushing the stone, and consequently the machine was very delicate. See ch. 20–22 and 135, and Rich, s. v. who gives a description from one still existing found at Stabiae near Pompeii.

bonos, *privos*, *impares*, etc. I understand him to mean, 'The olive-mills must be good, separate, and complete in all their parts, and of different sizes, *but not so different* as to prevent the mill-stones from being interchanged if one is broken.' A later writer would have inserted *sed* or *tamen*. He gives the measurements of the two mills below, c. 125, and says one is to be 4½ ft. in extreme diameter, the other (*trapetus secundarius*) 4 ft. 3 in. *Privus* is a word not unfrequently used by Cato in a similar sense, as twice again in this chapter and ch. 10. 'opercula doliis seriis *priva* plura,' ch. 11, 'opercula doliorum et tectoria *priva*,' and ch. 26, '*privae* scopulae.' Cp. the formula from Livy, xxx. 43, on p. 279. *Funes*, etc. These all belong to the *torcular* or press. *Fibulas duodenas*. There is some difficulty as to their exact nature; but they seem to have been wooden pins or treenails, not unlike linch-pins, used to keep together the two uprights, between which the end of the *prelum* was fixed. See ch. 12 and Schneider, i. p. 645. Cp. Caes. B. G. iv. 17, where they are used in building a bridge. *Medipontos*, probably a thick kind of rope. Meister derives from Gk. 'μέλποντα quasi *rudentes*,' which is certainly ingenious. It is perhaps connected with *mellere*, found in Fest. Ep. p. 252, '*promellere* litem, promovere.' *Trocleae* are blocks for pulleys (*orbiculi*). It is difficult to see how the *eight* and the *six* were combined. *Rotae*, I suppose, are larger pulleys.

4. *Bubilia*. Varro, L. L. viii. 54, tells us not to say *bovile*. Cp. Charis. i. p. 81,

P. (Lindemann or Keil), who tells us, however, that Cato, 'de abrogandis legibus,' used *bovile*. These accusatives may depend upon the idea expressed by *esse oportet* in the preceding chapter. Cp. Cato's elliptical use of *uti*. *Faliscae clatratae*, 'racks or mangers with bars.' *Villa urbana* is a *residence* in the country or suburbs, *villa rustica* a farm-house and buildings. The *villa urbana* is described by Columella, i. 6, etc. There is a similar distinction between *praedia urbana* and *praedia rustica*, the former being, generally speaking, land with a *residence* attached (see more in Puchta, § 223).

melios is given by Gesner from some MSS. Schneider has *melior*. See Introd. xi. § 3. *Fructi*. Introd. ix. § 17.

Frons occipitio prior est. Plin. xviii. 5, ad fin paraphrases rightly, *frontem domini*. 'A man sees more with his eyes than with the back of his head.'

bona salute = 'quod omen deus avertat,' Gesner.

usus venerit, 'if anything (untoward) happens,' 'if any necessity arises.' So Plautus, Terence, and Caesar.

5. *Litibus supersedeat* is explained by Schneider 'preside over.' Livy uses it, however, in the ordinary sense, 'cum hodie *litibus* et iurgiis *supersederi* aequum sit' (xxxviii. 51). *Non faciet*, sc. familia.

Compitalibus, the festival of the lares of the neighbourhood. Cp. ch. 57 and note on Naevius' Tunicularia. *In foco*, to the lares familiares. The latter was, I suppose, to be done *every day*, by placing upon the hearth a *patella* with a portion of the meal in it. See references and details in Preller, p. 491.

mercenarium politorem appears to be an extra labourer, hired during harvest, but for what work exactly is not so clear. Mommsen considers him to be a *reaper*, but I am rather inclined to think that he was employed in thrashing and winnowing, at least such an inference is natural from the word *polire* itself and the use of the compounds *expolitus* and *repoliri* in Colum. ii. 20, 6. He is certainly not a *partiarius* or ryot, but a labourer paid a certain proportion of the harvest, as we learn from ch. 136 (cp. Mommsen, ii. p. 363, note, and p. 368). He is not to be kept longer than a day, lest he should get familiar and inquisitive. *Ne defrudet*, 'let him not sow niggardly.' Cp. Non. p. 31. Pliny seems to have read *defruget*, H. N. xviii. 24. *Scibit*. Introd. xviii. § 6.

bubulcis obsequitor partim, 'give in to the neatherds in some respects.' Cp. *partim* in ch. 6, 'circum vias ulmos serito et *partim* populos.'

terra cariosa is explained by Columella, ii. 4, 5, as 'ager exiguis nimbis semimadidus.' *Per autumnum evehito*, i. e. on to the cornfields. The meadows are manured in spring, c. 29.

circum oleas autumnitate ablaqueato, 'turn up the earth round the roots in harvest-time.' *Ablaqueato* means, I suppose, score the earth crosswise, like a net. *Autumnus*, etc. is said to be the better spelling than *auctumnus*. See Brambach's Hülfsbuchlein, p. 26.

Frondem populneam. On the use of leaves for fodder, cp. Verg. Ecl. x. 30, Hor. 1 Ep. xv. 28, etc. Columella treats the subject at some length, vi. 3, 5, sq. As to the kinds in use he says, 'Probatur maxime ulmea, post fraxinea et ab hac populnea. Ultimae sunt ilignae et quernea et laurea; sed post aestatem neces-

sariae deficientibus ceteris. Possunt etiam folia ficulnea probe dari, si sit eorum copia, aut stringere arbores expediat.' I understand that olive-boughs are much used for the same purpose at this time in the south of France.

faenum cordum, 'after-math.' *Cordus* or *chordus*, 'late born' or 'late grown,' is used of plants or animals, as olus, frumentum, agni; and the word *cors* (says Fabretti, Glossarium, p. 832, s. v.) is still employed by the inhabitants of Canapitium (il Canavese) for *tardo*. The derivation is, I believe, quite unknown. *Sicilimenta de prato* is probably epexegetical of *faenum cordum*; so Varro, i. 49, '*sicilienda* prata, id est falcibus consectanda quae faeniseces praeterierunt.'

56. *modios* IIII, i. e. per mensem. Hence such an allowance was called *menstruum*. Cp. note on XII Tab. iii. 4. In Seneca's time five modii seems to have been the allowance, Ep. 80. Polyb. 6, 39, tells us the foot soldier had $\frac{2}{3}$ of an Attic medimnus of wheat, i. e. 4 modii, since the medimnus = 6 modii. Cp. Plut. Cato, ch. 6 and 10. *Vilico, vilicae, epistatae, opilioni modios* III. There must be something wrong with the text here, for it is absurd to suppose that the *vilicus* would have a *smaller* allowance than the ordinary slaves. Qu. *modios* VI? *Epistata* must be some kind of overseer or foreman. Columella, i. 6, 7, mentions a *procurator*, who is to have rooms over the gate, to see who goes in and out and observe the *vilicus*. This grain was supplied whole, and was left to the slaves to grind themselves; the compediti, who were unable to grind, were supplied with *bread*.

Compediti. Cp. Plaut. Capt. 940, Sen. Tranq. c. 10, and Rich. s. v. for an illustration. *Vincti* and *alligati* are also used. For their treatment see Columella, i. 6, 3; 8, 16, and xi. 1, 22, Marquardt, v. p. 187. The *compediti* were slaves under punishment, at least theoretically (see Mommsen, ii. p. 367, note).

panis p. IV. Four or five pounds of bread must be the daily ration (*diarium*). As the Roman libra = about $\frac{3}{4}$ of our pound, the amount would be from 3 to $3\frac{3}{4}$ pounds avoirdupois a day, which is not too much for a man doing hard work. The *compediti*, it will be seen, are allowed rather more wine than the rest.

57. *lora* is thus defined by Varro, R. R. i. 54, 3, 'Expressi acinorum folliculi in dolia coniciuntur, eoque aqua additur; ea vocatur *lora*, quod lota acina, ac pro vino operariis datur hieme.' It was called by the Greeks δευτερία. 2 *heminae* = sextarius, 6 sextarii = congius, 48 sextarii or 8 congii = amphora or quadrantal. Cp. Lex Silia, p. 273, and notes. *In dies heminas ternas id est amphoram.* The amphora, it will be seen, holds 96 heminae, not 90 (3 × 30), but Cato is speaking roughly, and as the weather gets hotter allows a little more. The MSS. have *inter annum cum*, for which Gesner corrects *inter annum Q.* VIII. There is a similar notable emendation of Ritschl's in Suet. Vit. Terent. Reiff. p. 32, where he changes *cum* CVIII *fabulis* into *cum fabulis*, rejecting CVIII as a dittography.

58. *halex, alex,* or *alec*, 'pickled fish.'

salis modium. Supposing the modius to contain 20 Roman or 15 English pounds, this would give an allowance of $\frac{2}{3}$ oz. per diem. Some interesting statistics on the amount of salt necessary for health will be found in Hunter's Orissa, vol. ii. pp. 152 foll. In the Bengal jails the allowance is $\frac{1}{2}$ oz. per diem for adults, and is found to be sufficient.

59. *sagum*, a coarse cloak or blanket, square, and fastened by a brooch. Rich

says, 'properly a Celtic word, the original of our *shag*.' For a slave's dress, cp. Col. i. 8, 9. *Sculponeae* are probably sabots. Notice Cato's economy in making patch-work out of the old clothes. Cp. a curious passage from one of his speeches, 'In L. Veturium de sacrificio commisso cum ei equum ademit,' Jordan, p. 47, fr. Fest. p. 234: 'Domi cum auspicamus honorem me dium immortalium velim habuisse. *Servi, ancillae,* si quis eorum *sub centone* crepuit, quod ego non sensi, nullum mihi vitium facit. Si cui ibidem servo aut ancillae dormienti evenit quod comitia prohibere solet, ne is quidem mihi vitium facit.'

60. *ocini.* See the discussion in Schneider's Index, who thinks it is probably 'trefoil.' The number of modii seems to have dropped out.

132. *Daps*, 'apud antiquos dicebatur res divina quae fiebat aut hiberna sementi aut verna,' Fest. Ep. 68. Cp. Preller, p. 173. *Culigna* = κυλίχνη. *Polluceto* = porricito; see on C. 1175, p. 490. *Iupiter dapalis*, etc. Something seems wanting in the text. Perhaps we should put a full stop after *dapi*, understanding *polluceo* as the verb governing *culignam vini*. *Macte esto*, 'be honoured with,' i. e. 'accept,' a common formula in these chapters. *Macto* seems to be the frequentative of the obsolete verb of which this is a participle. *Vino inferio*, 'sacrificial,' cp. *inferiae*, Fest. Ep. p. 112. So Serv. ad Aen. ix. 641, Arnob. vii. Festus, Ep. p. 113, explains *vinum inferium* differently, but no doubt incorrectly.

assaria pecuina = 'flesh of cattle fit for roasting (?).' *pecuinus* is found also in Apuleius, Met. viii., and Apol.

urna vini, 'half an amphora.' Popma suggests a full stop after *vini*, perhaps rightly. *Caste*, cp. note on *castud facitud*, p. 412. *Castus* is an epithet of all the conditions and circumstances of a sacrifice. Purity was requisite in the mind and body of the sacrificer, in his clothes, in the vessels and instruments employed, and in the sacrifice itself. See quotations in Marquardt, iv. pp. 464, 465. To the citations in the lexicons add C. Julius Caesar Strabo, in Adrasto, ap. Fest. s. v. prophetae, p. 229:—

'Cum capita viridi lauro velare imperant
Prophetae, sancta *caste* qui purant sacra,'

where the metre requires us to omit *ita* after *sancta*, which seems to be a dittography.

Profanato sine contagione. Profanare = pollucere, to bring before a god. Varro, L. L. vi. 54.

134. The ritual here seems pretty clear. The chief point is the offering of a *porca praecidanea* to Ceres before beginning harvest. This is preceded by an offering of wine and incense to Janus, Jove, and Juno. Then a *strues* is presented [and sacrificed] to Janus, and a *fertum* to Jove, with proper formulae. Then wine is offered, with proper words, to each in turn. The central point is the immolation of the *porca*, the exta of which are cut off, *prosecta*. This is followed by offerings of *strues* and *fertum* and wine as above, and last of all the exta and wine are offered to Ceres. All these words are technical, but need not be illustrated at length here. Gellius, iv. 6, tells us the *porca praecidanea* was to atone for any possible impurity or neglect of religious duty in the family. Cp. note on Carmen Arvale, p. 388.

porco femina, so lupus femina, Enn. Ann. 70, 73. V. etc.

praefato = praefator, cp. *consento, rogato*, Lex. Rep. C. 198, 77, 78, and note, p. 438.

Strues are said to be cakes, 'digitorum coniunctorum non dissimilia,' Fest. s. v. p. 310. *ferctum* or *fertum* is generally found with it, but what sort of a *libum* it was we do not know. Cp. Pictor, p. 344, towards the bottom.

mactato, by saying, I suppose, '*macte* hoc fercto esto,' and burning part of it, *ferctum libandum*, as he says in the last line. For this use of *libare* see the passages of Pliny and Servius quoted on p. 387.

135. *murices* are probably metal spikes of some sort. Cp. Tuditanus, p. 346, 'armario *muricibus* praefixo.' They are perhaps for horses' bits, Stat. Achill. i. 221. *Venafro* seems to be ablative for locative. Draeger, p. 479, gives instances with Greek names, *Tyro, Teo, Corintho, Delo, Abydo*, but only one in a Latin name, Flor. iv. 2, 19 (= ii. 13, 19), 'prima *Arimino* signa cecinerunt.' But Cato may mean 'from Venafrum,' cp. below, 'tegulae ex Venafro.' He is rather fond of such slight changes in style, as we sometimes purposely vary between *at, in*, and *from* in English. *Terra pulla*, Col. i. pref. 24, 'in aliis regionibus *nigra terra*, quam *pullam* vocant, ut in Campania, est laudabilis.' On account of the lightness of the soil the Campanians used lighter ploughs, drawn by cows and asses, Varro, R. R. i. 20, 4.

. . . *vomer, is*. Keil supposes the name of the town to have dropped out. *indutilis* must mean 'capable of insertion,' i.e. removable at pleasure. *Rufri maceriae* occurs above, ch. 22. Livy, viii. 25, mentions a *Rufrium* as in Campania, and Verg. Aen. vii. 739 has *Rufrae*. I am inclined to think, however, that it is a personal name here. *Hae hamae utiles sunt* seems weak and out of place. Pontedera ingeniously conjectures 'Nolae fiscinae Campanicae *olcariae* utiles sunt,' from ch. 153, where such hampers are mentioned. *Nostratia*, from Rome, or perhaps Tusculum, Cato's birth-place. *Salis* is probably alum, much used in tanning. The rest of the chapter is taken up with descriptions of ropes and the olive-mill, *trapetum*; see p. 615.

138. *Boves feriis*, cp. ch. 2. *in familia* = familiares feriae. Such were *feriae denicales*, see Iusiurandum castrense, p. 283 and note. Col. ii. 22, 5, 'Apud pontifices legimus feriis tantum denicalibus iungere non licere mulos, ceteris licere.'

139, 140. See on Carmen Arvale, p. 388. *Si deus, si dea es*, see note on C. 178, p. 410, and esp. Gell. ii. 28. It occurs also in the Carmen Evocationis, p. 285.

141. *lustrare*. Note on Carmen Arv. p. 386, at the top.

Mani, probably the name of *vilicus*.

praefamino. Int. xiv. § 13. Cp. *praefato*, c. 134.

prohibessis, servassis. Int. xviii. § 10 foll.

Ut tu morbos. Cp. Festus, s. v. Pesestas, p. 210, and 'viduertas,' p. 369, and note on Carm. Arv. line 2, p. 392. *Eiusque rei ergo* = eiusce. Cp. *huiusque*, Int. xiii. § 29. Forms of *isce* are very rare and doubtful: see Neue, 2. p. 142.

142. *uti* with accus., so next chapter, *mulieres* .. *utatur*. It is particularly frequent in Plautus, rarer in Terence. See Holtze, i. p. 276, Draeger, p. 526 f.

143. *uxorem*, legally *contubernalem*. Col. i. 8, 5, 'qualicunque vilico *contuber-*

nalis mulier assignanda est.' Cp. Varro, R. R. i. 17, 5 (p. 377) and ii. 10, 6. The rights of such marriages were recognised under the empire, and where possible families were forbidden to be separated, Dig. xxxiii. 7, 12, 7 and 33, Marquardt, v. p. 184.

coronam in focum indat. Cp. Plaut. Aul. prol. 23, and 283, etc.

sorba in sapa, 'service-berries in boiled must,' ch. 7.

vinacci are the refuse grape-skins and stones (out of which *lora* is made, ch. 57). Similarly, he says, chap. 7, 'haec in ollis, ollae in vinaceis conduntur.' The *vinacci* naturally were a large mass, and were used for food for oxen in winter, chap. 25, as well as to pack *ollae* in. See more in Schneider's note on Colum. xii. 44, 11.

Far subtile, parched or roasted spelt or other grain ground and used as polenta. Schneider on Col. viii. 5, 23.

160. *Luxum,* 'a limb put out.' This jargon is almost hopeless. I have not even ventured on probable emendations. See, however, Donaldson, Varron. vi. § 3. p. 234, who follows Grotefend.

ad coxendices, the split reed is to make a circle, which is to be put over the man's body and gradually brought close round his waist.

IN ALIO possibly means *in alio(m)*, 'may it go to another.' Cp. Varro's charm, 'terra pestem teneto, salus hic maneto.' S. F. so we have below, IN ALIO S. F. vel LVXATO. Can it mean *s(it) f(ractura)*? Cp. 'ad *luxum* aut ad *fracturam* alliga.' Donaldson intp. *s(anum) f(iet)*, and for MOTAS VAETA, etc., reads *in mota et soluta* DARIES DARDARIES ASTATARIES *dic sempiterno usque dum coeant.* DISSVNAPITER has also been resolved into *dic una pariter* or the like. *Dextra, sinistra,* on the right and left; when the man is enclosed in the magic circle, the superfluous portions of the reed on both sides are cut off.

It is easy to alter HVAT, HANAT, HVAT into *Havat, havat, havat* (=habeat?) with Donaldson, but such jingles as often as not aim at slight *variety* rather than exact repetition. ISTA, etc., may=*istam pestem sistam; domabo damna vestra et luxatum,* and so probably the last lines.

Notes on § 2. *The Origines.* Pp. 337-341.

On the contents of the Origines, see above, p. 611.

I. 7. *a Sabo Lacedaemonio.* Peter puts this fragment in the second book. Jordan thinks it cannot be dissociated from the history of the aborigines. Dionys. ii. 49, tells us that Cato derived the Sabines from Sabus son of Sancus or Dius Fidius, and that the other story was ἐν ἱστορίαις ἐπιχωρίοις. Cato very possibly gave both. Other Latin or Italian tribes had similar legends of Greek founders, e. g. Pisae, Falerii, Tibur, Tusculum, Petelia, Tarentum, etc. The exact truth of these stories is of course problematical, but the wide diffusion of the myths of Ulysses and Diomede indicates the constant presence of Greek settlers.

9. *iugera* $\overline{\text{II}}$DCC = 2700 seems to be the right reading, not 700. What underlies the circumstance is obscure.

10 foll. On the relations between Aeneas, Latinus, and Turnus, see p. 611.

16. On *Acca Larentia,* see on Carmen Arvale. p. 386, note, and the passage of

Macrobius. *Tescum* may be for Tarutium (Hubner ap. Jordan, p. xxviii); *Liticium* and *Solinium* are obscure. Hubner conjectures that the first should be Tintiriam, a name which occurs Inscr. R. N. 924, 2261, 3389. *Semurium* is found Cic. Phil. vi. 5, 15; see note on *Lemuria*, p. 544.

18. *Urbem designat aratro.* Part of the original words are given by Isidore, Orig. xv. 2, 3. 'Cato, "qui urbem" inquit "novam condet, tauro et vacca aret, ubi araverit murum faciat, ubi portam vult esse, aratrum sustolat et portet et portam vocet."' Isidore goes on to explain that the sex of the animals represents 'commixtionem familiarum et imaginem serentis fructumque reddentis. Urbs autem aratro conditur: aratro vertitur. Unde Horatius [i. 16, 21] *imprimeretque muris | hostile aratrum*.' Varro calls this 'Etrusco ritu,' L. L. v. 143. It may have been nevertheless Italian in general. Cp. Lange, R. A. i. § 22. p. 55. On the *cinctus Gabinus*, see note on the devotion of Decius, p. 559.

II. 2. *Gallia.* Cato seems to have begun from the Alps, thus recognising the real boundaries of Italy.

21. *Lucum Dianium*, probably like the 'lucus Feroniae,' a place for meeting of traders, etc. It is not necessary to suppose that all the Latin towns then existing were interested in this action. Probably *Egerius Laevius* was the same as the *Manius Egerius*, who, according to Festus, p. 145, '[lucum] Nemorensem Dianae consecravit, a quo multi et clari viri orti sunt et per multos annos fuerunt. Unde et proverbium *Multi Mani Ariciae*.' See Jordan, p. xlii. *Dictator*, cp. p. 438. *Ardeatis Rutulus*, opp. to the *Latini*. *Ardeatis*, as nominative, is quoted by Priscian.

IV. 1. *non lubet.* The best description we have of the contents of the 'Annales pontificum.' On the literature of the subject, see H. Peter, prolegomena ad init., and Dyer, Kings of Rome, pp. xvii–xl. The two most important ancient authorities besides this passage of Cato are Cic. de Orat. ii. 12 and Serv. in Aen. i. 373. Antonius says in Cicero, 'Res omnes singulorum annorum mandabat litteris pontifex maximus, efferebatque in album et proponebat tabulam domi, potestas ut esset populo cognoscendi: hi qui etiam nunc annales maximi nominantur.' Servius says, 'Tabulam dealbatam quotannis pontifex maximus habuit, in qua praescriptis consulum nominibus et aliorum magistratuum, digna memoratu notare consueverat, domi militiaeque terra marique gesta, per singulos dies.' Peter insists on the discrepancy between these two writers, and discusses whether the pontifex set down and published the events as they happened or at the end of the year, whether in fact the whited board answered the purpose of a newspaper, or of a year-book, and decides for the former. I am inclined to think the latter is rather more probable, and that the discrepancy is hardly a real one.

lunae aut solis lumine (for this form of the dative, see Intr. x. 9). Prodigies were especially noticed in the Annals. Cp. Cic. de Rep. i. 16, 25, 'Ex hoc die, quem apud Ennium et in maximis annalibus consignatum videmus, superiores solis defectiones reputatae sunt.' Cicero tells us this was about A. V. C. 350, and that Ennius thus described it, 'nonis Iunis soli luna obstitit et nox' (Ann. 167 v.)

7. *Q. Caedicio.* Frontinus, Strat. i. 5, 15, speaking of the devotion of Decius, says, 'Idem fecit sub Atilio Calatino consule [V. C. 496 = 258] is cuius varie

traditur nomen: alii Laberium, nonnulli Q. Caedicium, plurimi Calpurnium Flammam vocitatum scripserunt.' See Florus, i. 18, 13, Plin. xxii. 6, Liv. Epit. xvii and xxii. 60, in all of which he is called by the last name. Possibly Cato did not give him any name himself. See Corn. Nep. quoted p. 337.

in terra Sicilia, near Camarina. *Insinuant;* so used by Cic. without *se*. *Verruca;* Quint., viii. 3, 48 and 6, 14, quotes with disapprobation the phrase 'saxea est verruca in summo montis vertice,' which seems to belong to this passage, as Gronovius has seen. *Quadringenti;* another version made them three hundred, I suppose to compare better with Leonidas.

consilium quidem istud. Madvig's emendation has some MS. support. Gronovius reads, 'consilium quidem *fidum atque* providens.' On the other hand, *aeque sibi* gives good sense, 'as much to him as to the tribune.' In a conversation the second member of a comparison between the speakers may well be omitted.

quadringenti omnes cum uno = ad unum omnes. The nearest parallel seems to be the use of cum with other ordinals, e. g. *cum decimo, cum quinto decimo* = ten-fold, fifteen-fold, Varro, R. R. i. 44, 1, Cic. Verr. ii. 3, 47, etc.

usus venit, 'happened.' Cp. Cato, R. R. 4, p. 332.

VII. 10 foll. There are other traces that in the conclusion of his book Cato reckoned up the declension of Roman manners from their pristine simplicity (Jord. p. lix). For instance, in describing the senator's dress, he remarked that, in old times, 'qui magistratum curulem cepisset, calceos mulleos aluta vinctos, ceteri perones' (Fest. p. 142), and satirised the ladies of his own day as 'mulieres opertae auro purpuraque; arsinea, rete, diadema, coronas aureas, rusceas fascias, galbeos lineos, pelles, redimicula . . .' (Fest. p. 262).

12. *clarorum virorum laudes*. Cp. Varro de Vita P. R., quoted on p. 562.

Notes on § 3. *Ex Orationibus*. Pp. 341, 342.

See p. 612, for some general remarks on these speeches.

De Sumptu Suo.

quod sponsionem feceram. 'Sponsio or wager was an indirect mode of submitting questions to judicial decision, which seems to have been very commonly employed before the introduction of the formulary system . . . Its principal division seems to be into the sponsio where the pecuniary risk was serious and the penal sum important (sponsio poenalis), and the sponsio where the penal sum was nominal and not actually exacted (sponsio praeiudicialis),' (Poste's Gaius, p. 401). It seems to have been a sort of supplement to the sacramentary action. The law books of the empire represent it as employed in cases of disputed possession of slaves or land, or for the recovery of debts; but under the republic it was used much more freely, e. g. in personal disputes. Cp. the phrase used by Scipio Aemilianus, p. 352.

cum M. Cornelio. The cause and person are quite uncertain, but cp. Fest. s. v. repulsior, p. 287, who quotes from Cato, 'in ea quae est contra Cornelium ad populum, ecquis incultior, religiosior, desertior, publicis negotiis repulsior?'

scribere, if correct, is used loosely. *peribere* (i. e. perhibere, dicere) is ingenious. It is used in early poets, e. g. Ennius and Plautus, and in Cicero, as well as in Vergil.

manubiae 'pecunia a quaestore ex venditione praedae redacta,' Favorin. ap. Gell. xiii. 25, 26.

vectio publica = δημόσιον ὄχημα.

per symbolos seems to mean 'by means of my warrant or ticket.' The masc. is found also in Plautus, Bacch. 263, Pseud. 717. Cp. *syngraphum* (acc. masc.), Capt. 450, etc.

cum maxime, so *cum prime*, Quadrig. in Gell. xvii. 2.

ad lignum, through the wax. For a good description of such tablets, see the notes on those found in Transylvania in the Corpus, vol. iii. pp. 921 sqq. Some of these are read by the scratches on the wood where the wax has perished.

De Suis Virtutibus.

repastinandis. pastinum is defined by Columella, iii. 18, 1, as 'ferramentum bifurcum quo semina panguntur.' The verb is used especially of trenching vineyards. *re-pastinare*, 'to turn over and over,' especially at a proper season. Cp. Gossrau on Aen. iv. 556.

ordinarius, who had none of the privileges or luxuries of a *contubernalis*: it seems to = manipularis here. On Cato's early services, see Plutarch, ch. 2.

ex Aetolia. Liv. xxxviii. 10, 43 sq. The embassy was to accuse M. Fulvius Nobilior, who had taken Ambracia on its surrender, and pillaged the temples. This was the Fulvius who took the poet Ennius with him into his province; a proceeding which Cato reprehended, as Cicero tells us, Tusc. i. 2. (Jordan, pp. lxxvi and 46, and above, p. 580.) Cato might have good reason if Ennius glorified an act of oppression.

properare, etc., a passage quoted by Festus, Gellius, Nonius, Isidore, Servius, and the Scholia Bobiensia on Cicero. This distinction between *properare* and *festinare* is certainly not always observed. *Saxis Sabinis*, round his native Tusculum.

Si se M. Caelius Trib. pl. appellasset.

On the uncertainty with respect to this title, see p. 612.

1. *coveniatis*, so *coventio, contio.*

auditis . . . auscultatis. This distinction is found also in a line of Pacuvius, Chryses, referred to by Meyer, Ribb. 85:—

'. . . nam isti, quí linguam avium intéllegunt,
Plusque éx alieno iécore sapiunt quam éx suo,
Magis *aúdiendum* quam *aúscultandum* cénseo.'

3. *trium virum*, 'one of a commission of three.' Forms like *triumvir* are rare and later.

4. *staticulos.* Plaut. Pers. v. 2, 43, 'Nequeo, leno, quin tibi saltem *staticulum dem*,' says Paegnium, dancing round Dordalus, and probably kicking him every now and then. Cp. '*det* motus incompositos,' Verg. Georg. i. 350.

6. *citeria*, a squeaking puppet. The derivation from κίττα, pica, and ἐρεῖν is suggested in Forcellini.

7. *em* = eum. Introd. xiii. 27. Scaliger conjectures *hostem*. Festus explains '*pro scapulis* cum dicit Cato, significat pro iniuria verberum. Nam complures

leges erant in cives rogatae, quibus sanciebatur poena verberum. His significat prohibuisse multos suos civis.' The principal reference, I think, must be to the 'leges Porciae, quae tres sunt trium Porciorum' (Cic. de Rep. ii. 31, 54). The history and date of them is obscure, but the three Porcii are probably Cato, P. Porcius Laeca, and L. Porcius Licinus, the only three magistrates of the gens in this period. The general object of these laws was to strengthen the already existing enactments De provocatione. There is, I think, no sufficient proof to which of the three Livy refers when he says (x. 9), 'Porcia tamen lex sola pro tergo civium lata videtur: quod gravi poena, si quis verberasset necassetve civem Romanum, sanxit.' See Lange, R. A. ii. pp. 192, 198, 233, for plausible conjectures as to the circumstances.

aerario is illustrated by the passage of Cicero's Tusculanae, iii. 20, 48, in which he speaks of the debate between C. Gracchus and Piso on the Lex frumentaria, and uses the phrases *defendere aerarium* and *patronus aerarii*. Cato probably refers to his own opposition to the distribution of grain under market price, etc. (Cp. Mommsen, ii. p. 372.)

Notes on § 4. *Ad Marcum Filium.* P. 342.

For further details, see Pliny, xxix. 7 passim, and Plutarch, Cato, 23. Cato was satisfied with his own knowledge of medicine, but, as Plutarch remarks, he did not succeed very well, for he lost his wife and his son.

Cassius Hemina tells us that the first physician at Rome was Archagathus, who came from Peloponnesus V. C. 535, and was highly welcomed as a surgeon: 'Mox a saevitia secandi urendique transisse nomen in carnificem et in taedium artem omnisque medicos;' (ap. Plin. xxix. 12.) Nevertheless, for some time the profession remained in the hands of Greeks. The exact date of Celsus is unknown, nor is it quite certain, though it seems most probable, that he was a physician.

Opicon. The early Greek writers called the inhabitants of the western part of Italy Ὀπικοί, and their country Ὀπικία. Aristotle, e. g. ap. Dion. Hal. i. 72, wrote that certain Trojan exiles were brought by a storm εἰς τὸν τόπον τοῦτον τῆς Ὀπικῆς, ὃς καλεῖται Λάτιον, ἐπὶ τῷ Τυρρηνικῷ πελάγει κείμενος. Cp. Polit. vii. 10, 5. Similarly Thuc., vi. 2, speaks of the Siceli as driven out by the Opici, and, vi. 4, of Cyme as being in Opicia. It was in these writers a geographical expression without any covert sneer such as Cato imagined. But *Osci* (Opsci) and *Opici* came to be applied more narrowly to the effete population of Campania, and acquired a sense of vulgarity and barbarism. Cp. Tiro, ap. Gell. xiii. 9, 'nostri opici,' Hor. 1 Sat. v. 54, Juv. iii. 207, Gell. ii. 21 and xi. 16, etc. It is quite possible that some Greek writers in Cato's time applied the term in this sense to the Romans, their 'feri victores.'

Notes on § 5. *Carmen de Moribus.* P. 343.

1. Madvig's emendation seems very felicitous. It is absurd to suppose that Cato should have placed *vitia* on one side, and then said *vitiosus . . . laudabatur* on the other. *Incitus*, 'violent,' is perhaps not found elsewhere in prose.

2. *Poeticae artis.* Cato notes the admiration for poetry as a fault of his own time, e. g. in M. Nobilior. See note on *de suis Virtutibus*, p. 623.

Cap. II. HISTORICORUM FRAGMENTA. Pp. 343–351.

Something has already been said on the first attempt towards writing history among the Romans, see p. 608 f. Our space will not admit of more details, which may be found in Peter's Prolegomena, and elsewhere. I have also used his collections for the lives of these early authors in the notes that follow.

§ 1. p. 343. L. Cassius Hemina was alive in the year 146 B.C. (Censorinus, D. N. xvii. 11), and therefore survived Cato, who died just before the fall of Carthage, in 149. He called his fourth book, about the war with Hannibal, Bellum Punicum Posterior (see Introd. xi. § 3), and from this it has sometimes been inferred, and I think rightly, that he wrote before the Third Punic War.

We may, therefore, conclude that he was a contemporary of Cato, though, perhaps, somewhat younger. Nothing is known of his life.

He began from Saturnus, and gave the traditions about Aeneas, but differed from Cato in making him receive only 500 iugera from Latinus. The second book began with the foundation of Rome, with which was connected the portent of the thirty pigs. Some interesting details are quoted from this book, chiefly with reference to ritual and other observances. We have little of the third book, which took the history up to the beginning of the war with Hannibal, and almost as little of the fourth, from which I have given one tolerably long extract.

repastinantem, see on Cato, *de suis Virt.* p. 623. On the books of Numa, see Livy, xl. 29, Plut. Numa, 22, etc., Teuffel, § 62, Lange, R. A. ii. p. 230. The object of the forgery is obscure.

§ 2. p. 344 f. Fabius Pictor, who wrote Latin annals (and who is different from the earlier writer of the same name, who wrote in Greek), is probably the same as the author of the books De Iure Pontificio. Nothing is known of his life.

1. *Sacerdotem Vestalem.* For details see Preller, pp. 539 foll., many of which may be found in this chapter of Gellius. The latter says, '*capi* virgo propterea dici videtur, quia pontificis maximi manu prensa, ab eo parente, in cuius potestate est, veluti bello capta abducitur.' The term was, however, used of pontifices and augurs as well, as Gellius himself shows, l. c.

Amata is explained by him as being the name of the first, and, therefore, continued by traditional usage. For suggestions about the connection of the wife of Latinus with the worship of Vesta see Preller, pp. 537, 682.

2. On the *Flamen Dialis* see note on C. 33, p. 401 f., Marquardt, iv. p. 271, and Preller, p. 179 foll.

castus, see on Naev. Punica, 5, p. 574.

iurare, cp. Plut. Qu. Rom. 44. The following clause occurred in the perpetual edict, 'Sacerdotem Vestalem et Flaminem Dialem in omni mea iurisdictione iurare non cogam.' Gell. x. 15, 31.

cum strue atque ferto, see on Cato, R. R. 134, p. 619, and Fest. s.v. *ferctum*, p. 85, and *struefertarii*, p. 294.

feriatus (Turnebus' emendation for *festatus*, or *testatus*), opposed to *negotiis implicitus*.

matrimonium flaminis. This was naturally according to the old rite of *confarreatio,* Serv. ad Aen. iv. 103. *Uxorem si amisit flaminio decedit.* So says Ateius Capito in Plaut. Q. R. 45, cp. Tert. de Exhort. Castitatis, 13, 'Certe Flaminica non nisi univira est, quae et Flaminis lex est.' Perhaps the law was relaxed, for Serv. ad Aen. iv. 29, says the flamen could not have a second wife till after the death of the first. Or he may overlook the rule that he had to leave his office.

venenato, i. e. pallio flammeo colore tincto, opposed to the *white* dress of the Vestals. Cp. note on *venenum,* p. 533, and Servius ad Aen. iv. 36, and the mimiambi of Cn. Matius in Gell. xx. 9, 3 :—

'Iam tónsiles tapétes ebrií fúco
Quos cóncha purpura ímbuens *venénávit.*

rica, see on XII Tab. x. 3.

scalae Graecae, enclosed by side walls, so as to conceal the person ascending or descending. See Serv. ad Aen. iv. 646, who cites and explains this provision.

cum it ad Argeos, see Preller, pp. 414, 514. The mythical Argei were the genii of the different quarters of Rome, and a visitation of their chapels took place on the 16th and 17th of March. The passage in Varro, L. L. v. 45 foll., which describes the position of these chapels, is important for the topography of Rome.

neque comit caput. Ovid has expressed similar observances on the part of the flaminica, with his usual elegance, Fasti, vi. 227 foll.

3. *Vervactorem.* On these gods see Preller, p. 593. *Vervactor* is the first to break up the soil, since *vervactum* = novalis ager, Cato, R. R. 27, etc. *Reparator* is he who does it the second time. *Imporcitor* is the plougher, (*porca* = the ridge between two furrows). *Insitor* sows. *Obarator* ploughs transversely after the seed has been sown. *Occator* harrows. *Sarritor* hoes. *Subruncinator* weeds with the hand. *Messor*, etc., speak for themselves. The fragments of Varro's Divine Antiquities are full of such personifications of practical details; see some specimens, pp. 364, 365.

§ 3, p. 345 f. L. Calpurnius Piso Censorius Frugi is best known as the author of the Quaestiones Perpetuae, especially of that De Repetundis, see on Lex Acilia, p. 425. As consul with P. Mucius Scaevola in 133 B.C., he had the conduct of the servile war in Sicily, to which belongs the glans Hennensis, C. 642. His name Censorius implies that he was censor, but we do not know in what year. He belonged to the party of the nobles, and was, in consequence, attacked by C. Gracchus in a speech of unmeasured and harsh invective. (Meyer, p. 243.) He was, notwithstanding, a man of high character, and by no means an indiscriminate partisan. He is considered to have been the first Roman who wrote history with a moral object, though some traces of this appear in Cato. (Peter, p. cxci.) That this was often done in a somewhat puerile way is no doubt true. But we can hardly quarrel with them for a wish to make history useful as the 'magistra vitae' by idealising their ancestors; and, so far, Calpurnius deserves a word of praise. The style of his books seems to have been simple and commonplace.

fruges alienas perliceret. Cp. XII Tab. viii. 7.

itaque, so late in the clause, is rare, perhaps unexampled.

§ 4. p. 345 f. C. SEMPRONIUS TUDITANUS was consul B. C. 129, and triumphed over the Iapydes, an Illyrian tribe. (Act. Triumph. p. 459, Liv. Epit. lix.) There is no reason to doubt that he was the author of the histories of which we have some fragments. Cicero gives him the character of an elegant orator (Brut. 25, 95). Gellius quotes from his Commentarii (xiii. 15), and Macrobius from his Magistratuum Libri (i. 13, 21), which seem to have been the same work, but different, of course, from his Annals.

The differences in the accounts of Regulus's death are well known. Mommsen says, 'His family, under the idea that he had not been treated by the Carthaginians according to the usages of war, wreaked a most revolting vengeance on two Carthaginian captives, till even the slaves were moved to pity, and, on their information, the tribunes put a stop to the shameful outrage,' iii. ch. 2 (vol. ii. p. 46 E. T.). The cruelty shown to Bodostor and Hamilcar is related at length by Diodorus, De Virt. et Vit. lib. 24. exc.

§ 5, p. 346 f. L. COELIUS ANTIPATER is a writer much praised by Cicero (De Legg. i. 2, 6, De Orat. ii. 12, 54, Brut. 26, 102). In the second of these passages he says, 'Paululum se erexit et addidit historiae maiorem sonum vocis vir optimus, Crassi familiaris, Antipater;' in the third he calls him 'scriptor . . . luculentus, valde peritus, multorum etiam ut L. Crassi magister.' He is distinguished both as the first historian who attempted the higher flights of style, and as the first who chose a limited period, omitting the earlier mythical annals. Cicero informs us that this was the 'bellum Punicum' (Orat. 69, 229); the extant fragments show that the *Second*, not the First, Punic War is meant. He seems, however, to have added a good deal by way of digressions. From Antipater, then, we may date an improvement in historical literature.

20. *pullarius.* On the *auspicia ex tripudiis* see Mommsen, Handbuch, i. p. 9. The fall of the food upon the ground from the beak of the chicken was the sign looked for. The pullarius could generally ensure it by keeping them hungry, and giving a particular sort of food, generally porridge (*puls*, Fest. p. 243, cp. Cic. de Div. ii. 35, 73). The cage in which the birds were carried is represented on the gravestone of a pullarius, and is figured in Rich, s. v. *Cavea*.

§ 6, p. 347. Of SEMPRONIUS ASELLIO we know but little, gathered from the statements of Gellius and the fragments of his Res Gestae or Historiae. The first is the title given by Gellius, who excerpted the book, the second by Charisius, Nonius, Servius, and Priscian. He chose as his subject the history of his own time, and more particularly the actions in which he was himself concerned, or of which he heard from persons present, following, wisely, the precedent set by Cato. It is to be deplored that we know so little of one whose method promised so well. Peter thinks that Appian, probably, either directly or indirectly, owes something to his books (p. ccci).

Gellius gives an instance of *liberi* used for one child, a son or daughter, from his fifth book (Gell. ii. 13). He might have added Cic. Phil. i. 1, 2, cp. 13, 31.

The example set by Asellio, of writing from personal experience, was followed by other public men, such as M. Aemilius Scaurus, P. Rutilius Rufus, Q. Lutatius

Catulus, the conqueror of Vercellae (see p. 603), and L. Cornelius Sulla, the dictator, and from this time memoirs of all kinds became fashionable. 'None of these productions (says Mommsen, ii. p. 470) seem to have been of importance to literature otherwise than by the substance of their contents. The collection of letters of Cornelia, the mother of the Gracchi, was remarkable, partly for the classical purity of the language and the high spirit of the writer, partly as the first correspondence published in Rome, and as the first literary production of a Roman lady.' Two excerpts are preserved by Cornelius Nepos, but the genuineness of them has been doubted.

§ 7, p. 348 foll. Of the life of Q. CLAUDIUS QUADRIGARIUS we know almost nothing. We may place him, chronologically, between Pictor and Sisenna, but this is all we can say. We have considerable fragments of his Annals, none of which go back before the Gallic conflagration, which may be taken as his starting-point. He carried his work down to his own time, perhaps to the death of Sulla. It was extended to, at least, twenty-three books, and must have been an important collection of materials. Mommsen credits him with 'an old-fashioned but good style' (iv. p. 602), which is borne out by the extant fragments. H. Peter criticises his rhetorical vein, and exposes some instances of exaggeration, comparing him unfavourably even with Valerius (p. ccxcii). I cannot, however, believe that he was guilty of the same vanity and puerility as Antias. For a list of passages in which Livy is probably indebted to one or other of these writers, see the same and following pages.

10. *facies.* Introd. viii. § 16.

gladio Hispanico. Weissenborn, on Liv. vii. 10, 5, remarks that this is an anachronism, as Spanish blades were not used till the Second Punic War, Liv. xxxi. 34, 4. Probably Claudius simply means a *short* cut and thrust sword, or, as Livy says, 'ad propiorem habilis pugnam.' It is opposed to the *gladios duo* of the Gaul. *ponti*, on the Anio. *eodem congressu* is Gronovius' suggestion, followed by H. Peter for *concessu*, *consensu*, or *concussu* of the MSS. Hertz has *concessu*.

12. This fragment is plausibly referred to Claudius, though Gellius does not name him. Madvig wishes to write '*quin* . . . appellatus *sit*,' and '*consulari* genere editus,' Adv. 2, p. 599. There does not seem sufficient reason for either alteration, none at any rate for the second. 'Nihil quo referatur *tali* habet,' says Madvig; but doubtless it was introduced by a description of his ancestry, which Gellius did not care to copy out.

satis agentibus; so *satis agerent* in the next fragment, 'being in trouble,' 'not knowing what to do.' So Plaut. Merc. ii. 1, 4, 'In somnis *egi satis* et fui homo exercitus.' It is used also by Cato and Cicero; see the lexicons.

telum reciprocans. Cp. Verg. Aen. xii. 165, 'Bina manu lato crispans hastilia ferro.'

cognomen habuit Corvinus. The Fasti Capitolini call him *Corvus*, V.C. 406, etc., p. 510, Mommsen; but in some others he appears as *Corvinus*.

40. *unam atque alteram*, on the Siris and at Asculum. Cp. Ennius, Ann. vi. 198 foll. p. 302.

Literas. Plutarch, Pyrrhus, c. 21, quotes a letter rather differently worded.

§ 8, p. 350 f. Of L. VALERIUS ANTIAS' personal history we know nothing, except that he was a contemporary of Claudius and probably slightly younger. He seems to have been a voluminous, but very untrustworthy author. Not only was he given to exaggeration in numbers and to the fabulous in ancient history, but he was untruthful in his representations of later times. (See Mommsen's criticisms in the Hermes, vol. i.) These faults were further increased by his exaggerated or even fictitious representations of the exploits of members of his own gens. This is proved, not only by scattered fragments, but by Plutarch's life of Publicola, which is concluded, on very strong grounds, to be drawn almost entirely from Antias (H. Peter, p. cccxix). He obtained, notwithstanding, a considerable reputation in his own time.

Lib. ii. 6. Ovid has given us the same story, Fasti, iii. 285 foll., and Plutarch in his Numa. Cp. Varro, L. L. vi. 94, Preller, pp. 170 foll.

madidatis, a word used by Arnobius in § 163 of the same book. Cp. the Plautine *madidus, madidus vino*.

dixe = dixisse; so *faxe*, *surrexe*, etc., showing evanescence of *-is*, and illustrating the formation of words like *faxo*. Introd. xviii. §§ 10, 11.

maena (a Sardine?) was apparently chosen on account of its likeness in sound to *anima*. It was used ritually at the Feralia, Feb. 21, and at the Volcanalia, Aug. 23: in both cases 'pro animis humanis.' (See Preller, pp. 484, 529, and notes on the Tabula Fastorum, pp. 542, 545.)

CAP. III.—ORATORUM FRAGMENTA. Pp. 351–356.

If writing history was a gift that did not come naturally to the Romans, oratory most certainly did so. Orations on public questions formed, not only the earliest, but the most brilliant specimens of literary prose. 'Such (says Mommsen, iii. p. 471) were the political speeches of Gaius Laelius and of Scipio Aemilianus, masterpieces of excellent Latin as of the noblest patriotism; such were the fluent speeches of Gaius Titius, from whose pungent pictures of the place and the time . . . the national comedy borrowed various points; such, above all, were the numerous orations of Gaius Gracchus, whose fiery words preserved in a faithful mirror the impassioned earnestness, the noble bearing, and the tragic destiny of that highly gifted nature.' The fragments that we are able to give are of such merit as to make us keenly alive to the loss we have sustained in this department.

§ 1, p. 351. L. AEMILIUS PAULLUS. See note on p. 415. On the campaign with Perseus—the third Macedonian war—see Mommsen, book iii. ch. 10, and on the share of Aemilius in it especially p. 300 f. The battle of Pydna, as Polybius saw, formed an era in the history of Rome, the establishment of her universal empire, and Aemilius was a general worthy to gain it. He was a strict disciplinarian and a man of incorruptible honesty, yet cultivated and generous. On his appreciation of Greek art and literature, see Mommsen, l. c. pp. 439, 440. The pathetic circumstance, which was the occasion of this speech, is well known. Of his two younger sons, one, who was fourteen years old, died five days before his triumph, the other, who was twelve, three days after it. This event excited

universal sympathy, to which Aemilius responded, as Plutarch says (c. 36), 'not like a man who needed consolation himself, but as one who wished to console his fellow-citizens in their distress at his misfortunes.' Plutarch gives a paraphrase of the speech, in which he explained that he had always had a dread of fortune, which had been strengthened by his extraordinary and rapid successes, and that his fears did not quit him after his return till the calamity had visited his house, a point where the quotation in the text must have come in. The peroration of the speech, in which he drew a comparison between himself and his royal captive, must have been remarkably fine. 'The man who led the triumph is as great an instance of human weakness as he that was led in triumph. There is but this difference, that the sons of Perseus—yes, of the vanquished Perseus—are alive, those of Aemilius the victor are no more.'

§ 2, p. 351. C. Titius. *Oratio pro Lege Fannia.* Titius is said by Cicero to have been a contemporary of Antonius and Crassus, and is called by Macrobius 'vir aetatis Lucilianae,' i. e. from about B. C. 150–90. But the Lex Fannia Sumptuaria, to regulate the expenses of the table and the kinds of food that should be eaten, was passed B. C. 161. Probably there was only one orator of the name in this period, who began his public life rather earlier than Cicero supposed. Similar errors are, I think, not uncommon in Cicero's calculations, e. g. for a long time he confused C. Sempronius Tuditanus the historian with his son, till Atticus put him right (Ad Att. xiii. 6, cp. 30, 32, and 33). The Lex Fannia was a sort of complement to the Lex Orchia, twenty years earlier, which limited the number of guests at an entertainment. See Macrob. Sat. ii. 12, and the fragments of Cato's oration in defence of it. Mommsen has given a translation of this very vigorous, if rather coarse, fragment at the end of the eleventh chapter of his fourth book (R. H. vol. iii. p. 419). It describes a senatorial iudex unwillingly dragged from his boon companions and his riotous living. The following translation slightly differs from Mommsen's: 'They devote themselves to hazard, delicately perfumed, amid a throng of their mistresses. When four o'clock comes they bid their boy be called to go to the comitium and enquire what has been done in the Forum, who have spoken in favour of the bill and who against it, how many tribes have voted for it, how many against it; then they make their way to the court just in time to keep themselves from being summoned for non-appearance. On their way there is no opportunity in any alley that they do not avail themselves of, so full are they of wine. They take their place sullenly on the tribunal and order the case to come on. Those who are concerned make their statements, our friend the judge requires the witnesses to be summoned, and himself has a reason for retiring. When he returns, he says he has heard everything, and asks for the documents: he looks into the papers, and can scarce keep his eyes open for wine. The jury withdraw to consider their verdict, and their talk is such as this—"Why should I trouble myself with these horrid bores? Why should we not rather drink a bowl of mead and Greek wine, and eat a fat thrush and a good fish with it, a genuine pike killed between the two bridges?"' All this, no doubt (says Mommsen), was very ridiculous, but was it not a very serious matter that such things were subjects of ridicule?

ludunt alea studiose. Jan well compares Suet. Claud. 33, 'aleam *studiosissime* lusit.'

litem suam faciat, lit. 'make the cause his own;' i.e. become liable for all the consequences of the verdict, since the aggrieved party had an action for damages against him. The jurists say this may arise when a judge gives a wrong sentence, either from ignorance or corruption. See Gaius, iv. 52, and Mr. Poste's note, p. 441. Here the fault is coming too late. We should, no doubt, know more of this if the Lex Repetundarum, C. 198, was less mutilated. Lines 39–43 and 45, 46 seem to be on this subject; see argument of the law, p. 428.

amphora. Jan compares Lucr. iv. 1020, 'dolia curta,' etc.

tabulae are the documents, affidavits, etc. See the section of the Lex Rep. l. 34, '*de testibus tabulisque producendis.*' Meyer wrongly refers to the voting tablets (tabellae or sorticolae).

Eunt in consilium; cp. Lex Rep. 46. *germanum;* so used by Plautus and Cicero. Macrobius compares the lines of Lucilius (L. M. inc. xxii):—'Fingere praeterea, adferri quod quisque volebat. | Illum sumina ducebant atque altilium lanx, | Hunc pontes Tiberinus duo inter captus catillo;' where *catillo* = a glutton, a good name for the pike. Cp. Fest. Ep. p. 44. Horace Sat. ii. 2, 31 ff. and Juvenal, 5, 104 ff. have similar references to this fish. *inter duos pontes* is the term generally applied to the insula Tiberina, and it may mean here 'caught off the island.' Dillenburger, on Horace l. c., says, 'sublicium et senatorium inter quos cloaca maxima sordes urbis in fluvium egerebat.' I do not know which bridge he means by 'senatorius,' but the pons Aemilius was not built at this date.

§ 3. p. 352. Q. CAECILIUS METELLUS MACEDONICUS was censor B. C. 131, and Livy tells us, Epit. lix, that he delivered a speech 'ut omnes cogerentur ducere uxores liberorum creandorum causa. Exstat oratio eius quam Augustus Caesar, cum de maritandis ordinibus ageret, velut in haec tempora scriptam in senatu recitavit.' To this speech we may probably refer the fragments given by Gellius, though he assigns them to Metellus *Numidicus*, who was censor in 102 B. C. and likewise an orator. The question is, which is more likely to be right, Livy or Gellius?

(*b.*) *plus velle*, 'to be more kindly disposed.' The Ciceronian use of 'eius causa *velle*' may be compared, and the common sense of *voluntas* = 'good will.'

adhibere, 'to impose.'

§ 4, p. 352. P. SCIPIO AEMILIANUS, son of Aemilius Paullus, and conqueror of Carthage and Numantia, was no less distinguished for his generous patriotism as a politician, his moral purity, and his refinement and culture. Though not an author in the ordinary sense, he committed his political speeches to writing, and was fond of the society of men of letters of both nations, whom he gathered round him. Such were Polybius and Panaetius, Lucilius and Terence, and amongst noble Romans, his friends Laelius, L. Furius Philus, and Sp. Mummius, brother of the destroyer of Corinth. (Cp. Mommsen, vol. iii. p. 446.) The death of Scipio was a tragic one. He had been mainly instrumental in putting a stop to the judicial action of the *triumviri agris dandis adsignandis*, representing in his opposition the interests of the Latins, who complained of their interference with rights granted to their communities (cp. p. 445). This excited great indignation in the

reforming party, and great personal odium against himself. Scipio was found dead in his bed on the morning of a day when he was about to make an harangue on the subject of the Latins' rights, and it can hardly be doubted that he was assassinated. But no inquiry was made. (Cp. Mommsen, vol. iii. pp. 85–87, 104, 105, for a good character of Scipio. Plutarch's life of him is unfortunately lost.)

(1) *Oratio contra Ti. Asellum.* Scipio, when censor, B. C. 142, had degraded Asellus from the equites (p. 434). His colleague, L. Mummius, restored him. Asellus, when tribune, accused Scipio before the people. The case was a long one, as Scipio spoke no less than five times in it. In the course of the action Asellus taunted him with the sickness and mortality that had prevailed during his censorship, to which Scipio retorted very skilfully, 'Noli mirari; is enim qui te ex aerariis exemit [i. e. L. Mummius] lustrum condidit et taurum immolavit.' (Cic. de Or. ii. 66, 268.) The passage in the text is a good instance of rhetorical dilemma. *Nequitia* is, as Gellius explains, 'incontinence,' 'intemperance,' and it is so used by Cicero; but when Gellius wrote it had the sense of *solertia* or *astutia.* He notices a similar change in the use of *levitas. Malitia* may be rendered 'villany,' 'malignity.' The two between them cover the whole idea of a bad character, vicious self-indulgence and active villany.

quanti omne instrumentum, 'you have spent a larger sum on one mistress than that which you have set down on the censor's books as the worth of the whole stock of your Sabine farm.' *in censum dedicare* seems only to occur here and in Cic. pro Flacco, c. 32, an important passage for the enumeration of the different kinds of property on which assessment was made. 'At haec praedia etiam in censu (in censum?) dedicavisti . . . Illud quaero sintne ista praedia censui censendo? habeant ius civile? sint necne sint mancipi? subsignari apud aerarium, aut apud censorem possint?' Cp. Lex Agr. C. 200, 28, note on p. 454. This use of *dedicare* requires further illustration. Fest. Ep. p. 70, says, 'proprie est dicendo deferre,' and we may suppose it was used of the verbal 'professio' before the censor. Müller has followed Gronovius' suggestion, and reads in Varro, L. L. v. 160, 'omnes in censu villas inde *dedicamus* aedes,' where the MSS. have *inde dicamus.*

si hoc ita est is simply, 'Who will give me a thousand sesterces if I prove my point?' which is of course equivalent to saying, 'Who will bet so much that it is *not* so?' This makes Gronovius' rendering *ni* unnecessary. The usage of the two conjunctions *si* and *ni* is a little obscure. According to Puchta the question is properly asked with *si* in the legal formula. He quotes, for example, '*Si* ex edicto P. Burrieni praetoris bona P. Quintii dies XXX possessa non sint' (Cic. pro Quint. 27); or, '*Si* bonorum Turpiliae possessionem Q. Caepio praetor ex edicto mihi dederit' (ad Fam. vii. 21) . . . 'tot nummos dare spondes?' To which the reply would be, 'Spondeo.' *Ni* seems to be used in a quotation of the case by another party, if I understand Rudorff rightly. (Puchta, Instit. § 168, vol. ii. p. 131, note, ed. Rudorff, 1871). A good instance is found in Plautus' Rudens, 1378 foll., where Gripus states his wager with *si*, and Latrax replies by asking some one to judge, '*ni* dolo malo instipulatus sis, *nive* etiamdum siem | Quinque et viginti annos natus;' where Fleckeisen reads, *hau* siem, I think needlessly.

Puchta refers also to Huschke, Studien, i. p. 12, and Keller, Semestrium ad M. Tullium Ciceronem (1843), lib. i. § 1.

qui spondet, 'who is there who?' Cp. Introd. xiii. § 26.

verbis conceptis, 'in a set form.' *coniuravisti* can only mean 'made a conspiracy,' of what sort is quite uncertain; *periuravisti* has been conjectured. *sciens sciente animo tuo*; cp. 'si *sciens* fallo' in the fetial's oath, p. 279 and p. 284, l. 4, etc., and a still closer parallel, Plautus, Asinar. 562:—

'Ubi *verbis conceptis sciens* lubénter *periuráris*,'

which supports the conjecture just mentioned.

(2) *Oratio contra legem iudiciariam Ti. Gracchi.* Plutarch tells us that Tiberius Gracchus proposed a law to take half the iudices from the equites, leaving the other half to the senators. (Ti. Gracchus, c. 16. Cp. Dio Cass. frag. 88.) It was apparently under consideration at the time of his violent death, with other popular projects. The relevancy of the passage in the text is not very clear.

saltatoriam. See Cic. pro Murena, c. 6, de Off. i. 42, for the Roman view of dancing.

bullatum. See Rich, s. v. *bulla, bullatus,* for illustrations.

medius fidius. That Dius or Divus Fidius = Semo Sancus, the god of good faith and purity, is certain. The *me* is not so clear, but it is generally supposed to be an accusative governed by ellipse of *iuvet*. Nevertheless, it suggests the Greek *μά*.

petitoris filium. If we could suppose that this was the son of Ti. Gracchus, who was now candidate for the tribunate, it would give a point to the passage which it seems to want. But this is improbable. He himself married a daughter of Appius Claudius, consul and censor, and his sister married Aemilianus.

(3) *Dissuasio legis Papiriae.* C. Papirius Carbo proposed that the same man might be created tribune any number of times (Liv. Ep. lix, Cic. de Amicit. 25). This law was supported by C. Gracchus, but vehemently and successfully opposed by Scipio. Carbo asked him what he thought of the death of Ti. Gracchus, who had been murdered in the riot which Scipio Nasica had excited against him. Aemilianus replied, 'Si is occupandae reipublicae animum habuisset iure caesum,' i. e. as far as he aimed at sovereignty (Vellius, ii. 4). He had already, it was said, let fall a sentiment to the same effect when the news was brought to Numantia:—

Ὣς ἀπόλοιτο καὶ ἄλλος, ὅτις τοιαῦτά γε ῥέζοι.

(Plut. Ti. Gracch. ad fin. from Hom. Odyss. i. 47). The remaining words are variously given. Velleius says, 'Hostium armatorum toties clamore non territus, qui possum vestro moveri, quorum noverca est Italia?' Valerius Maximus, vi. 2, 3. 'Taceant . . . quibus Italia noverca est. Orto deinde murmure, "Non efficietis," ait, "ut solutos verear, quos alligatos adduxi."' The proposal about the tribunes passed afterwards, probably after Scipio's death.

§ 5, p. 353. C. Laelius Sapiens, the elder friend of Scipio Aemilianus, and with him the centre of the famous literary circle. Cicero has preserved the memory of their union in his book De Amicitia, in which Laelius is brought in discussing the nature of friendship with his two sons-in-law, C. Fannius and Q. Mucius Scaevola, a few days after Scipio's death. Laelius paid a tribute to his

memory in reality by two funeral orations, written for his two grandsons, Q. Tubero and Q. Fabius Maximus, from the latter of which the fragment in the text is taken. Cicero considered Laelius to surpass Scipio in oratory, though both were great (Brutus, 21).

Quiapropter, compared with *quapropter*, seems to support the notion that *quia* is properly neuter pl. of *quis* declined like an *i* stem. Cp. Introd. xiii. § 30, p. 104. *hac civitate*, 'in this city;' so *hoc loco, eo libro*, etc. See note on *Samnio*, C. 30, p. 399. *eo morbo*, a rhetorical meiosis, inasmuch as there was little doubt that he was assassinated, see p. 632.

§ 6, pp. 353-356. C. Sempronius Gracchus. The reader should consult the third chapter of the fourth book of Mommsen's Roman History, 'The Revolution and Gaius Gracchus,' one of the best in the whole work, though some of its political sentiments may well be questioned. He draws out the contrast between him and his brother Tiberius, noting specially the absence of good-nature and the presence of that fearful vehemence of temperament, by virtue of which he became 'the foremost orator Rome ever had,' without which 'we should probably have been able to reckon him among the first statesmen of all times' (vol. iii. p. 108). His policy may be described as a mixture of enthusiasm for the public good and a glowing passion of revenge. He was at once the founder of the dangerous urban proletariate, which lay like an incubus on the commonwealth for five hundred years, and the source of almost all the fruitful ideas of imperial policy—a sort of Julius Caesar before his time (p. 122). There is a fine criticism of his oratory in Cicero's Brutus, c. 33, which ends 'legendus, inquam, est hic orator, si quisquam alius, iuventuti. Non enim solum acuere sed etiam alere ingenium potest.' Plutarch calls his style φοβερὸς καὶ περιπαθὴς εἰς δείνωσιν. He was sometimes so carried away by passion as to become confused or faltering (Plut. C. Gracch. c. 2). For the agrarian policy of C. Gracchus see pp. 445, 451, 456, 475.

(1) *Pro Lege Papiria.*

(*a*) See the preceding page. *Em* is now generally distinguished from *hem* on the one side and *en* on the other. Brix on Plaut. Captivi, 3, gives instances of *em* in a demonstrative sense, Plaut. Merc. ii. 2, 42, Poen. i. 1. 79, Bacch. ii. 3, 40; iv. 8, 29, to which we may add Ter. Phorm. 1026. *Hem* is an exclamation of feeling, implying joy, sorrow, surprise, amazement, etc. Cp. Ritschl, Trin. 3, ed. 1871, Wagner, Aulul. 633, and Ribbeck, Lateinische Partikeln, pp. 29-34, references which I owe to Professor Palmer.

quam par pari sint, 'how like to like they are,' i.e. one is as bad as another. Gaius had *probably* been enumerating some of his brother's services to the nobility, especially to the Scipios (e.g. his father-in-law, Scipio Africanus), one of whom, Scipio Nasica, was the cause of his death. This personality naturally gave an opportunity for the question of Carbo to Aemilianus, and his reply.

(*b*) Mr. Nettleship's excellent emendation throws great light on this passage, but we cannot explain it entirely for lack of the context. *suilla*, as in Juv. 14, 98, of the Jews, 'nec distare putant humana carne suillam.' Translate, 'What sort of man is he who will make him wise? One who looks onwards in the interest

of yourselves and of the commonwealth and of himself in common, not one who butchers human flesh as if it were swine's.' I believe that I have done right in inserting the interrogative after *facit*, and in making the subject of *facit* the same as that of *prospiciat*, but *qui prospiciat* may of course be in apposition to *sapientem*.

(2) *Apud Censores.*

C. Gracchus was quaestor in Sardinia, where his enemies sought to detain him by not sending any one to relieve him, on which he returned without leave. The matter was brought to the notice of the censors, who proposed to degrade him from the equites. He made his defence in this speech so successfully that he persuaded every one to consider him a much injured man. (See Plutarch, C. Gracchus, c. 2.)

(*a*) Cicero quotes this in order to correct it. 'How much apter it would have been (he writes) if he had said, "quin eiusdem hominis sit, qui improbos probet, probos improbare."' The modern reader will probably prefer the sentence as it stands.

(*b*) *apud principia*, the central point of a camp, on the 'via principalis,' including the tents of the chief officers and the space in front of them, and therefore the most public place of the whole.

Biennium. Plutarch says, 'He told them—he had served twelve campaigns, while others were only obliged to serve ten. He had remained as quaestor two years (*al.* τριετίαν) with his praetor, while the law allowed him to return at the end of one,' concluding with the passage about the *zonae* and *amphorae*.

nationum is the MS. reading. Gronovius reads *natorum*, and suggests *latronum*. *postremissimus* is found also in Apul. de Magia, 98, and Tertull. de Cultu Fem. 2, 1. The same writers have *extremior*, Apuleius has also *postremior*, and Tertullian *extremissimus*, perhaps after some such early authority. See Neue, 2, p. 92.

(3) *De Legibus a se promulgatis.*

It is impossible to describe in this place the long series of projects embraced by Gracchus, which are ably summarised by Mommsen, pp. 109–119. They included a law for the distribution of grain, a change in the order of voting in the comitia centuriata, an agrarian law probably to restore the jurisdiction of the commissioners, the foundation of new colonies, restrictions in the age for enlistment and duration of military service, increase of the right of appeal, establishment of new quaestiones perpetuae for murder and poisoning, a new law for the taxation of Asia, and lastly, a transfer of the civil courts to the equites. The general tendency of these measures was to throw all power into the hands of the proletariate and the mercantile class at the expense of the senate, and through them to gather the control of the whole into his own hands.

The speech from which these extracts are taken was no doubt a contio preceding the voting upon some of these measures.

P. Africanus probably means Aemilianus, who had married the sister of Tiberius and Gaius, and who left no children. Tiberius had had three sons, who seem to have been dead. Gaius had one son by his wife Licinia, who must be meant here. Scipio Africanus the elder *had* descendants by his other daughter, who married Scipio Nasica, and therefore cannot be the *P. Africanus* mentioned here.

(*b, c*) Gellius quotes the passages to compare them with parallel, but more highly wrought, paragraphs in Cicero's Verrine—in one of which occurs the famous *Civis Romanus sum*—and with one from Cato's speech against Thermus De Falsis Pugnis. He remarks on the absence of an appeal to the feelings in Gracchus, observing that Cato, though an earlier writer, 'iam tum facere voluisse, quod Cicero postea fecit.'

Quaestori, a magistrate not always found in municipal towns, but when existing taking the third rank after the highest magistrates and the aediles. Marquardt, new ed., iv. pp. 491, 492. *M. Marius* must have been the highest official, probably *praetor*. See Marquardt, iv. p. 476, and note on Lex Iulia, 83, p. 468.

praetor noster, i. e. Romanus.

(*c*) *pro legato*, by an abuse of senatorial privilege. See Cic. Phil. i. 2, 6, and Mr. King's note.

num mortuum ferrent. This seems to have been the earliest use of the *lectica* known to the Italians, and, as an article of mere luxury, it was only just introduced. See Smith's Dict. of Antiquities, p. 671.

(4) *In P. Popilium Laenatem.*

P. Popilius Laenas, when consul in B. C. 132, had brought the associates of Tiberius Gracchus to trial before a special commission, and had carried out a number of cruel sentences upon them. Gaius, when his turn of power came, prohibited, under severe penalties, the appointment of such senatorial commissions without a vote of the people, and out of revenge made the action of his law retrospective. Popilius, to escape a conviction, went into voluntary exile. For his life, see notes on C. 550, 551, p. 475.

This sentence, Gellius tells us, was near the beginning of his speech. He is evidently exhorting the people to use the opportunity of revenge for Tiberius' murder, which they had so long desired.

This speech was made *pro rostris*. He also made others *circum conciliabula*, exciting the people in the other towns of Italy to revenge. From it we have the following anomalous forms quoted: *malo cruce*, Fest. p. 150; *poteratur*, id. p. 241 (cp. note on Lex Rep. 66, p. 437); and *credo ego inimicos meos hoc dicturum*, which Gellius (i. 7) quotes to illustrate Cic. Verr. ii. 5, 65, '*hanc rem* sibi praesidio sperant *futurum*,' referring also to Quadrigarius, 'Dum ii conciderentur, hostium copias *occupatas futurum*,' as well as to Antias, Plautus (Cas. iii. 5, 52) and Laberius.

(5) *De Rege Mithridate.*

Gellius calls this speech 'oratio qua legem *Aufeiam* dissuasit.' The law is mentioned nowhere else, and in fact the gens Aufeia is unknown, so that some editors conjecture *Saufeiam*. It appears to have been in favour of king Mithridates and against Nicomedes king of Bithynia. This was doubtless Mithridates V, father of the greatest of the name. He was the first king of Pontus who made a regular alliance with the Romans, and for his services in the war with Carthage he received the province of Phrygia from M'. Aquilius. The present dispute was probably

about Cappadocia, which the kings of Pontus and Bithynia tried to wrest from the heirs of Ariarathes. See Justin, xxxviii. 1 and 2. Gracchus perhaps proposed that the province should be taxed, as he had done in the case of the province of Asia. Cp. Mommsen, pp. 115, 120 n., and note on Lex Agr. 82, p. 458.

uti, et si quaeritis. Madvig, Adv. 2, p. 621, conjectures *utier, si quaeritis*: but this seems unnecessary. 'Even if you search' makes very good sense. Cp. Lucil. v. 1, p. 321, 'quo me habeam pacto, *tametsi* id non *quaeris*, docebo.' Madvig also suggests *rei familiari*, which seems right.

Graecus tragoedus. Gellius tells the same story in the preceding chapter of Demosthenes and Aristodemus.

§ 7, p. 356. L. Licinius Crassus and M. Antonius were the two greatest orators of the age just before that of Cicero. The latter gives us a considerable criticism of both of them in many chapters of his Brutus, especially 36, foll. 44 and 86. Both were more polished than Gracchus; of the two, Crassus was the more weighty, Antonius the more fiery. Unfortunately the extant fragments are comparatively trifling.

The passage in the text is from a speech delivered by Crassus shortly before his death. The consul Philippus was strongly opposed to the proposals of the tribune M. Livius Drusus — proposals by which the senate tried to gain the populace against the capitalists. Drusus combined in a Lex Satura the three objects of the restoration of the iudicia to the senate, the assignment of land to colonists, and the distribution of grain to the city proletariate. Philippus summoned the senate to cancel the law as informal (which it doubtless was), and on their refusal, publicly declared 'alio sibi senatu opus esse' (Val. Max. vi. 2, 2). The senate in consequence, on the motion of Drusus, pronounced a vote of censure on the consul, and during the debate Crassus made a grand speech. Crassus died suddenly a few days later: the senate was brought round to cancel the laws, and Drusus himself was assassinated. Then followed immediately the fearful civil war with the Italians.

In consequence of the plain speaking of Crassus (in the passage in Oratio obliqua), Philippus 'graviter exarsit, pignoribusque ablatis Crassum instituit coercere' (Cic. l. c.). Here *pignoris capio* is the punishment of contempt, just as it was in case of the contumacious absence of a senator. (Cp. Cic. Phil. i. 5, 11 and 12, Varro, Epist. Quaest. p. 375 ad fin.) It consisted in the violent seizure, and generally destruction, of some articles belonging to the person in fault, sometimes even of an attack upon his house. Hence the expression on which Crassus plays, *pignora caedere*, a phrase with which Mommsen compares Suet. Caes. 17, 'pignoribus captis et direpta supellectile' (Handbuch, i. p. 129, q. v.).

Cap. IV.—EX M. TERENTII VARRONIS RELIQUIIS.

Pp. 356–382.

Introduction.

M. Tarentius Varro, sometimes called Reatinus, to distinguish him from Varro of Atax, was by far the most learned of Roman authors. He was born, ten years before Cicero, of a noble family belonging to that Sabine country of which he

always retained the savour. Like Cicero, he belonged to the Pompeian party, and served with great bravery under his chief against the pirates, as well as in Spain, and rose to the rank of praetor. After Pharsalia, he retired into private life as a student and antiquary, and was designated by Caesar as head of the library he was founding. After Caesar's murder, Antony, who bore him an old grudge, placed his name on the list of proscription, but he was saved by Calenus, being in this respect more fortunate than Cicero. He lived to almost ninety years, working steadily all the time, though suffering from the loss of a great part of his library.

Of all the Roman writers there is none whose loss students of history and philology have more cause to regret than that of Varro. St. Augustine's 'studiosum rerum tantum iste doceat, quantum studiosum verborum Cicero delectat' is as tantalizing as it is evidently true. And though his learning was a quarry freely worked by the smaller men of later days, our loss is immense and irreparable. We can estimate its extent in some degree by a glance down the long list of books, to the contents of some of which we have scarcely a clue. 'Vix medium descripsi indicem et legentibus fastidium est,' wrote the Christian scribe to whom we owe it, and who was comparing the fertility of the Roman with that of the adamantine Origen. We should have been thankful even for a bare list of the remainder, making up the total of 630 books, which modern criticism assigns to him.

Besides the great copiousness of his writings, Varro is to be admired for the variety of his tastes and acquirements, and for his versatile command of different styles (cp. p. 609). He was a thorough Roman, a true lover of old-fashioned country life and ways, and full to the brim of native humour; but he combined with it a very wide general culture, especially a large knowledge of Greek literature, science, and customs. He had a decided turn for poetical composition, and some of the fragments in his Menippean satires show a mingled grace and originality, which is not common in Latin poets. In his prose he seems to have intentionally rejected the classical Ciceronian style, but he was none the less a manly and vigorous, though hardly an eloquent, writer. We must judge him rather by his book on agriculture, and by the fragments of his essays, serious and humorous —the so-called Logistorici and Saturae Menippeae—than by the book on Latin Grammar. He shows always a fondness for coordinate rather than subordinate constructions; he has little variety in his use of adverbs and conjunctions, and his language has an archaic tinge. But there is in his earlier works little of that harshness which we observe in his last and probably unfinished book, in which (to use Mommsen's expressive phrase) 'the clauses of the sentence are arranged on the thread of the relative like thrushes on a string.'

The great gift of Varro was, however, an insatiable appetite for learning and a keen sense in discriminating what was worth preserving. He was the very model of a literary collector. We can, as it were, go into his study and admire the arrangement of his drawers and pigeon-holes, so carefully and minutely labelled, and very precious are the dust and fragments that remain in them. He was deficient, however, on the ideal side, and becomes lost whenever he attempts any deeper discussion of religious or philosophical questions. In the former he took a merely political line, believing that it was impossible to unite truth and expe-

diency (see p. 646); in the latter he floated about from one sect to another, concluding generally in a cynical disbelief in any fixed conclusions. In his treatises on matters of fact he showed an intense love for formal and systematic arrangement, but his desire for order often betrayed him into crude and superficial divisions. We must not, however, speak too slightingly of one who did so much for the method of grammar (would that he had had an inkling of the principles of etymology!), and whose encyclopaedia of the sciences was the foundation of all mediaeval learning.

It would be very much in Varro's own style if we divided the body of his works into three great classes, all of them susceptible of subdivision—(1) original and personal books, (2) books on history and literature, (3) books on other arts and sciences.

To the *first* class belong his poems and moral essays, his speeches and declamations, his letters and personal memoirs. To the *second* we assign the great general treatise on *Antiquities*, human and divine, complemented by monographs on chronology, genealogy, manners, and political antiquities. His essays in literary history and criticism seemed to have turned chiefly on the poets, with a special direction to the drama and dramatic representation, which centred particularly on Plautus. We must notice also a remarkable book called *Imagines*, which seems to have been a biography with portraits, not only of authors and artists, but of other famous men. The *third* class consists of nothing else than an encyclopaedia of all arts and sciences, *Disciplinarum Libri*, developed in detail, like the Antiquities, in a number of separate treatises. We can distinguish books on Language, particularly Latin grammar; on Philosophy; on Rhetoric; on Mathematics; on Geography; on Medicine; on Civil Law; and on Rural Economy, besides a number of minor works.

I have thought it well to give extracts which will in some degree represent these different classes. They might have been increased with great advantage, but I hope the interest of the few that are offered will incite some of the rising generation of scholars to a more diligent study of an author who is too much neglected among us.

The fragments of this voluminous learning have never been properly united in one collection, and the older recensions of Scaliger, Turnebus, and Popma, in the sixteenth and seventeenth centuries, must still be consulted by those who wish to take a synoptical view of them. The Bipont edition of 1788 supplies probably the most convenient form for this object. Separate books and subjects have, however, received careful treatment, chiefly from German scholars. The only entire treatise, that on Husbandry, must still be read in Gesner or Schneider, but it is to be hoped that Keil may execute his early purpose of re-editing it. The efficient labours of Spengel and C. O. Müller on the De Lingua Latina still leave something to be desired. Madvig has some noticeable emendations in his Adversaria, vol. ii. Augustus Wilmanns has edited very satisfactorily the fragments of the other books on grammar. A. Riese has followed up the work of Oehler and Vahlen, and given us a useful collection of the Saturae Menippeae and Logistorici and some minor fragments; but there is still room for improvement and acute

conjecture, especially in working out the argument of each satura and in criticism of the metrical fragments. Merkel collected the fragments of the Divine Antiquities in his preface to Ovid's Fasti (ed. 1841, pp. cvi-ccxlvii), but he seems unfortunately to have used a bad text of S. Augustine de Civitate Dei. Krahner seems to have written well on the same subject, but I only know his books by quotations. H. Kettner has put together the remains of the books De Vita Populi Romani and De Gente P. R. (Halle, 1863, 1865); and last, but not least, Ritschl has written on the Disciplinarum Libri (1845, 4to) and on the whole subject of Varro's literary activity in the sixth and twelfth volumes of the Rheinisches Museum. The same periodical contains other articles by Bücheler, Mercklin, L. Müller, Riese, Ribbeck, Vahlen, etc., especially on the Menippean satires. Other monographs are referred to by Teuffel, §§ 152–157.

§ 1. Saturae Menippeae. Pp. 358–363.

The most lively account of these essays is to be found in Mommsen's last chapter, in which he devotes a considerable space to them (R. H. vol. iv. pp. 591–600). They were called Menippean, from the cynic Menippus of Gadara, probably only twenty years older than Varro (Riese, p. 8). What little is known of him is chiefly from Diogenes Laertius and from his other imitator and admirer Lucian, from whose dialogues we get perhaps the best idea of this whole class of writings. See Lucian's Dialogues of the Dead, 1–3 and 210, Menippus sive Necyomanteia, especially c. 21, Icaromenippus, passim, Bis Accusatus, c. 33, and other passages in which Menippus speaks or is described. From the latter place it seems clear that Menippus adopted the same mixture of verse and prose that Varro afterwards did, for this I believe to have been the case, notwithstanding the disbelief of Lucian Müller. It is probable that the general colour of the composition, the mixture of the comic and the serious, and the sharp transition from one style and subject to another was a more potent reason for the name. That Varro gave it himself is asserted by Gellius, ii. 18. 6, and implied by a fragment from his satire Testamentum ap. Non. p. 478, 'E mea *φιλοφθονίᾳ* natis, quos Menippea haeresis nutricata est, tutores do

Qui rem Romanam Latiumque augiscere vultis.'

Here he is evidently referring to his Satires, whom he calls 'children of his cynicism' (*φιλοφθονίᾳ*, which Riese needlessly alters to *φιλοφωνίᾳ*), 'and nurtured by the sect of Menippus,' and he bequeaths the care of them to those who are anxious for the commonwealth, quoting a line of Ennius to express his idea. The date of the Menippeans is uncertain. One, the *Τρικάρανος*, was composed in B. C. 60, the subject being the first triumvirate. They were probably early works, as Cicero makes him call them 'vetera sua' in B. C. 45 (Acad. i. 2, 8).

There is a review of Riese's edition by Bücheler, Rh. Mus. vol. 20, and a reply by Riese, vol. 21, to both which I have referred.

Bimarcus. The name somehow or other refers to himself. It was a satire, *περὶ τρόπων*, and was perhaps a dialogue in which he disputed with another Marcus of different temper. 1. *Quintipor Clodius* is touched again in his Epist. ad Fufium, ap. Non. pp. 144 and 117, Riese, p. 259, 'Si hodie noenum venis, cras

quidem si veneris meridie, die natali Fortis Fortunae. *Quintipori Clodi* Antiphoties, ac poemata eius gargaridians dices —

> 'O fortuna, o fors fortuna, quantis commoditatibus
> Hunc diem.'

This seems to show that he was a plagiarist from Terence, who has a couplet consisting of the first line, and 'quam subito meo ero Antiphoni ope vostra hunc onerastis diem.' Phormio, 841 f. He was probably a freedman, and Varro calls him banteringly by the old name *Quintipor* = Quinti puer or servus. He wrote himself a satura, *Marcipor*, something perhaps like Horace's Davus, Sat. ii. 7.

Dolium aut Seria. This proverbial title has never been satisfactorily explained. It may have some reference to the *dolium* kept in the atrium of Vesta as a representation of the world (according to Krahner, ap. Riese, p. 117). The *dolium* was very large and nearly globular, with a wide mouth; the *seria* was somewhat smaller, with a full body and narrow throat. See a conjectural representation in Rich. s. v. Perhaps this satire was a dispute as to the form of the earth. For a similar proverbial expression cp. Hor. A. P. 21, '*amphora* coepit Institui, currente rota cur *urceus* exit?' where the opposition is between a wine-jar and a water-jar.

Mundus domus est, etc. is quoted by Probus to illustrate Vergil, Georg. i. 231 foll. *altitonae flammigerae* is Riese's emendation. Bücheler prefers *alto fragmine zonae*, but it is difficult to see how *fragmen* can be used of the zone covering only a *portion* of the sky. Yet *altitonae* is an awkward epithet. *limbus* is here a 'belt, girdle.' Varro uses it again of the zodiac, when he is speaking jestingly of the destructiveness of goats, 'quas etiam astrologi ita receperunt in caelum, ut extra limbum XII signorum sint,' R. R. ii. 3, 7.

Est Modus. *invenĕrunt* is noticeable. The facts about this prosody seems to be that it is never found in Ennius or the tragedians, but that it is not uncommon in the comedians and in later dactylic poets—in the latter of course after a short syllable. Exactly similar instances to this are Plaut. Bacch. 928, *subegĕrunt;* Truc. ii. 5, 15, *occepĕrunt;* Terent. Eun. 20, *emĕrunt;* Syrus, Sent. ed. Ribb. 90, *odĕrunt;* all of which come at the end of a line. Cp. Corssen, i. 612, and C. 1008.

coagulum is used in the same way by Gellius, xii. 1, 21, 'vinculum illud *coagulumque* animi atque amoris, quo parentes cum filiis natura consociat.'

Eumenides. The fragments of this satura have been variously combined, but not, I think, with certainty, otherwise I should have given them all. The whole is evidently on different forms of madness, moral and physical. Oehler says, perhaps correctly, 'Tractat . . . Stoicorum dogma, ὅτι πάντες μωροὶ μαίνονται: quod Horatius quoque eleganter perstrinxit in Damasippo.' The fragments here given open with a description of the absurdity of philosophers. A philosopher then seems to retort on the popular madness of self-indulgent or miserly people. Somehow or other Varro is persuaded that he is mad, and goes to ask advice of Serapis. In the latter fragments we catch glimpses of him hooted by a mob of slaves and servant girls, present at the wild orgies of Cybele, observing a popular sedition, and perhaps by these various experiences brought back to the belief that he is no worse than the rest of the world, or rather his sanity is pronounced by some kind of a jury.

14. *Empedocles;* so Censorinus, D. N. 4. Lucretius seems to have followed him in this as in many other points, v. 803 foll.

15. Is closely paralleled by Cicero, de Divin. ii. 119, 'Sed nescio quomodo nihil tam absurde dici potest, quod non dicatur ab aliquo philosopho.'

17. *suillam caedit,* as conjectured by Mr. Ellis, is very ingenious, but it is too like *porcos trucidat* to be likely. Bücheler conjectures 'cum baccas ferula caedit.'

18. *bucinus flavus ahenus.* Riese's conjecture is founded on Aristophanes' ξουθὸς ἱππαλεκτρύων, Ran. 932, 'quod (ahenum) in navibus Persicis stabat signum. *Bucinus* gallum significat, Petron. c. 74.' *de Albuci subus Athenis,* 'one of Albucius' epicurean hogs,' is Rothe's very ingenious, but unconvincing, emendation. Varro is laughing at the Pythagoreanism or Darwinism of his day rather than at Epicureanism.

20. *cui si stet,* etc., 'if he have the whole created universe at his disposal.'

21. *arquati,* persons with the jaundice; a fact also noticed by Lucretius, iv. 334, 'lurida praeterea fiunt quaecunque tuentur Arquatei.'

26. *miras.* Nonius also quotes *mirabis* from Pomponius. *curare,* is probably 'to prescribe for,' 'act as a physician,' 'cure:' cp. the quotation from Cicero in the next paragraph. Roeper's *noli mirare de eodem* may perhaps be right, 'either wonder at both or do not wonder that the same thing comes to the same thing,' as Mr. Ellis suggests.

28. *cepam,* fem., a form used perhaps as often as *cepe. Sisymbrium,* 'sacred to Venus.' Ov. Fast. iv. 469, etc. On medicine prescribed in dreams, Oehler well compares Cic. de Div. ii. 59, 'Quid convenit aegris a conjectore somniorum potius, quam a medico petere medicinam? An Aesculapius an *Serapis* potest perscribere per somnum curationem valetudinis?'

32. *vix*='statim,' Non. p. 421, who compares Verg. Aen. ii. 323, '*Vix* ea fatus eram, gemitu quum talia reddit,' which is by no means an exact parallel.

33. *Commodum,* 'at the very moment.' *praeter,* 'beside;' so '*praeter* amnem,' Naev. Lycurg. 47, which Ribbeck and others needlessly alter to *propter.*

Matris deum. The worship of the Magna Mater Idaea was introduced into Rome in accordance with a reference to the Sibylline books during the war with Hannibal. The black meteoric stone was brought from Pessinus by a special embassy (which had obtained it from Attalus, king of Pergamus), and received with great rejoicing, and lodged in the house of P. Scipio Nasica, the 'worthiest man in Rome.' The temple was soon after built and lay near that of the Palatine Apollo. The festival to commemorate the arrival of the goddess, called Megalesia or Megalensia, took place between the 4th and 10th of April, and was celebrated with dramatic exhibitions and races. It was not till later, probably in the time of Claudius, that the more fanatical and exciting Attis festival in March was admitted. (See Preller, p. 735 f.) The Galli and their wild practices, their flutes and cymbals and processions, were however already attracting much of public attention. See Catullus' Attis, Lucr. ii. 610 foll., Ovid, Fast. iv. 181 foll., etc.

34. *Cum illoc venio.* I have followed Riese's conjectures founded on Lachmann's, which give, at any rate, good sense.

aedilis is retained by Riese in the sense of a priestly functionary, cp. the *aedilis lustralis* at Tusculum, Wilmanns, 1759, 1761; and the *aedilis et praetor sac(ris) Volkano fac(iendis)* at Ostia, ib. 1722.

gallantes = bacchantes.

35. *Tibi typana.* Riese seems right in putting together these fragments from Nonius, though we cannot be sure of the exact form. *tibinos* is given by Nonius as = 'a tibiis modos;' if this is right it is a ἅπαξ λεγόμενον. L. Muller reads *tibi nos.*

tibi galli is a conclusion not found elsewhere in galliambics, which end with two short syllables. Hence most editors read *galli tibi.* Riese defends the text in his Prolegomena, p. 86.

36. *Phrygius.* I translate, 'The Phrygian horn thrills through the bones with its liquid note.' *Cornus* seems to be, at any rate, a possible form of *cornu.* So we have *genus* and *genu*, *penus* and *penu.* For the idea cp. Lucr. ii. 619, 'Tympana tenta tonant palmis, et cymbala circum Concava, raucisonoque minantur cornua cantu, Et Phrygio stimulat numero cava tibia mentes.'

canit, cp. Cic. de N. D. ii. 8, ad fin. '*canentes* tibiae,' etc.

anima is quoted by Nonius, p. 233, as = 'sonus.'

47. *pectore fluctanti* may be right. Lucretius uses this rare verb, iv. 75, 'Per malos volgata trabesque trementia *fluctant*,' unless *flutant* is read there for *fluitant.*

ΓΕΡΟΝΤΟΔΙΔΑΣΚΑΛΟΣ. This is one of the satires of which Mommsen gives an analysis, l. c. p. 599. The subject is very clear—a contrast between old times and new. The title is similar to that of one of Alexis' comedies, Ἀσωτοδιδάσκαλος. Its exact application is obscure. Mommsen says, 'In the Satire there appears "a Teacher of the Old," of whom the degenerate age seems to stand more urgently in need than of the teacher of youth.' Others think of the proverbial difficulty of teaching old men.

1. *Inter nundinum,* as we should say, 'within the week.' See note on p. 240. Nonius, p. 214, quotes similar passages from other works of Varro and from Lucilius, lib. xxvi. 'Paucorum atque hoc pacto si nil gustat *inter nundinum.*' *barbam radebat.* Varro tells us (R. R. ii. 11. 10) that the first barbers came to Italy from Sicily, v. c. 454, and that most of the ancient statues had a long beard. Cp. the common use of *intonsus, barbatus,* for simple old-fashioned ancestors.

2. *taxim,* 'gently,' 'by degrees,' from the same root as *tago, tango, taxo;* cp. sensim. Mommsen supposes, fr. 15, 'rapta a nescio quo mulione' etc. to be the antithesis to this.

3. *nec non.* Madvig suggests *nequeo,* which spoils the point. The notable wife could do both things at once.

4. *arceram si non vellet,* a quotation from XII Tab. i. 3, p. 254, where see note. In old days the wife was satisfied with a jaunt in an open cart, and did not bother her husband to put a hood to it; now she wants a fine chariot and a crowd of slaves.

5. *vendidit tenebrionem.* The story is told more at length by Valerius Max.

vi. 3, 4, ending, 'tunc M'. Curius praefatus, non opus esse eo cive reipublicae, qui parere nesciret, et bona eius et ipsum vendidit.' Nonius, p. 19, gives other instances of *tenebrio*, which he compares with *nebulo*. It seems properly to mean one who shirks or skulks.

6. *cultro coquinari*, i. e. 'our ancestors were simple even in their method of committing suicide.' Rich gives an illustration of such a cook's knife. They are also found with a ring at the end of the handle to fasten to the girdle. If *empaestati* is right, it must mean 'embossed,' from Gk. ἐμπαιστός. *cupetasti*, from Hesych. εὐπέταστος, 'easy to spread out,' may mean, 'with a broad rounded end.'

Papia Papae seems to be an exclamation of exaggerated surprise, and so is a suitable title for this satire, which ridiculed the extravagant, fantastic, and conceited terms employed by lovers and flatterers.

1. *ante auris nodo ex.* This preposition is put after its case, as in Lucr. iii. 851, vi. 789.

subparvuli. Varro seems here specially to ridicule the affected use of diminutives, six of which are found in four lines. This was a characteristic of the early imitators of the Alexandrine poets, the 'cantores Euphorionis,' whom Cicero contemns, and amongst them of Catullus. The lines are so good an imitation of this style that we almost think them pretty.

2. *calliblepharo naturali*, 'natural dye.' The artificial pigment for heightening the beauty of the eyebrows is several times mentioned by Pliny.

3. *parvissimus*, a rare superlative, also used by Lucretius, i. 616, 622, iii. 200.

§ 2. Antiquitatum Libri. Pp. 363-365.

The best account of this important work, next to that given by St. Augustine, is in Cicero's Academica, i. 2 and 3, in which Varro is an interlocutor. The Divine Antiquities followed the Human, 'quia divinae istae ab hominibus institutae sunt,' Aug. C. D. vi. 4. They were dedicated to Julius Caesar as Pontifex maximus, and therefore were probably not published till after the break up of the Pompeian party, to which Varro belonged; but as Cicero seems to refer to them in the Brutus, c. 56, we may fix their date in one of the three years, 47, 46, or 45, B. C.

1. *Rerum Humanarum Libri* xxv.

The fragments of the Human Antiquities have, as far as I know, not been properly collected; the other portion of the work has received more attention, chiefly on account of the copious extracts from it made by St. Augustine in his book on the City of God. The Human Antiquities must have been a most important treasure-house of knowledge. The first book was a general introduction; the remaining twenty-four were divided into four sets of six, treating (1) of Men, (2) of Places, (3) of Times, (4) of Things. Cicero praises the whole as a sort of handbook, which enabled the citizens of Rome to find their way about their own history and to understand their own position in their native country. We cannot tell what method he pursued, but something may be inferred from the fragments compared with the arrangement of like matter in the book on Latin Grammar. In the first part he seems to have given an account of the early settle-

ments and combination of tribes within the city (Non. p. 90), and of the constitution of the republic (see quotations in Festus, pp. 246, 249, 347, on the comitia). The references to Varro in the Liber de Praenominibus may perhaps also belong to these books. In the second part he doubtless went over somewhat the same ground that he traverses in the fifth book De Lingua Latina, especially as regards the geography of the city, e.g. we have a derivation of the name Oppius Mons, Fest. p. 348. In the third part he treated of the arrangement of the calendar and historical chronology. Cp. Gell. i. 16, 3, and v. 4, 5, and De Lingua Latina, lib. vi. Of the fourth part we have rather more fragments than the rest, the most important referring to the rights and duties of the magistrates, e.g. Gell xiii. 12, 5, and 13, 4, on vocatio and prensio; Gell. xi. 1, 4, and 5, cp. Non. p. 216, on multae dictio; Non. pp. 59, 80, 92, 214, 394, 471, all having some bearing on magisterial action.

P. 364. Ex lib. 21. This passage is the most important of the extant fragments of this work. On the general subject of *vocatio* and *prensio*, see Mommsen, Handbuch, i. p. 127 f. *Vocatio* is the larger right, including the right of compelling the presence of an absentee as well as that of apprehension of a person present (*prensio*) and that of imprisonment and detention. The person touched by this power has no right of appeal, but another magistrate or a tribune might intervene (Pompon. in Dig. i. 2, 2, 16). *Vocatio* belongs to consuls, praetors, and proconsuls (Ulp. in Dig. ii. 4, 2). Neither Varro's remark as to *prensio*, that it belongs to 'tribuni plebis et alii qui habent viatorem,' nor his description of quaestores as having 'neque lictorem neque viatorem,' is an exact statement. In fact, they are corrected by a passage of his own, given by Gellius in the next chapter, xiii. 13, 4, which the latter tells us came in usefully to decide a practical question, 'an quaestor populi Romani a praetore in ius vocari posset?' Varro's words are, 'Qui potestatem neque vocationis populi viritim habent, neque prensionis, eos magistratus a privato in ius quoque vocari est potestas. M. Laevinus, aedilis curulis, a privato ad praetorem in ius est eductus; nunc stipati servis publicis non modo prendi non possunt, sed etiam ultro submovent populum.' Now the curule aediles and the quaestores aerarii *were* magistrates who had viatores or public messengers at their command, and yet they not only had not the right of *prensio*, but were themselves properly subject to it. Varro must, I think, have distinguished in his mind two classes of viatores, those who were used for purposes of apprehension and those who were not, the former being probably the original class (cp. Mommsen, l. c. p. 284, note 3, and note on Lex Cornelia, p. 460, the fragments of which, it will be remembered, relate to the *viatores* of the quaestors).

2. *Rerum Divinarum Libri* xvi.

The divisions of this work were not unlike those of its fellow. It began with an introductory book, which was followed by five parts of three books each, on (1) Men, (2) Places, (3) Times, (4) Sacred Rites, and (5) Gods. The peculiar subject of each book is also given by St. Augustine, to whom the greatest number of fragments are due; but many others are found, especially in Servius, as well as

in Tertullian, Arnobius, and Lactantius, and the grammarians, Festus, Gellius, Nonius, Charisius, Macrobius, etc. They are given at length in Merkel, preface to Ovid's Fasti, pp. cvi–ccxlvii.

Space will not permit an analysis of the book or detailed account of Varro's religious system. Reference may be made to Marquardt, vol. iv. der Gottesdienst, pp. 67 foll., Preller, R. M. pp. 29 ff. and 62 ff., and cp. Mommsen, R. H. book iv. ch. 12, vol. iii. p. 434.

Varro, like Scaevola, distinguished three kinds of theology, the mythical or poetic, the physical or philosophic, and the civil or popular (Aug. C. D. iv. 27, and vi. 5). The first of these was full of dangerous and unworthy fables, the second contained the truth, and the third, though not true, was expedient for common people, and ought to be kept up by the state. Varro's own idea of the philosophic or true theology, as expressed in this book, was mainly that of the Stoics. In its ultimate result it was a vague monotheism, little, if at all, removed from pantheism. His most explicit declaration on this subject seems to have been in his essay 'Curio de Deorum Cultu,' in which he quoted with approval the lines of Valerius Soranus (a contemporary of Accius)[1]:—

'Iupiter omnipotens, regum rex ipse deusque,
Progenitor genetrixque deum, deus unus et omnis.'

He went on to enlarge upon the text *progenitor genetrixque* by declaring that the male and female principle were combined in the highest form of the divinity. 'Iovemque esse mundum et eum omnia semina ex se emittere et in se recipere . . . Mundus enim unus et in eo uno omnia sunt' (Aug. C. D. vii. 9). In his larger work, however, he put forward more commonly the dualistic theory, in which Caelus represents the male and generative principle and Terra the female, receptive, or material. The other gods were particular powers or manifestations of the anima mundi. In conformity with this conclusion he rejected in theory all images and the grosser accessories of worship, a point in which the original Roman notions of religion seem to have coincided with Stoic doctrine (Marquardt, p. 69). Nevertheless, in practice he thought it quite right and necessary to keep up the traditional observances, and probably wrote his book in great measure in the interest of the civil or state religion.

(*a*) Lib. ii. *de Pontificibus*. Varro took great pains with the story of Aeneas. He made enquiries in Samothracia as to the meaning of the Penates, observed the agreement of the names of places in Epirus with those of the legend, made a careful chronology of the Trojan settlement in Latium, and wrote a book on the Trojan families in Rome (Serv. in Aen. iii. 12, 349, v. 704, etc., Preller, p. 674). It is probable that Vergil followed him in many places verbally, as Merkel has shown that Ovid did in the Fasti, p. cv.

(*b*) Lib. viii. *de Feriis*. On the work which may or may not be done on festivals. See above, on Cato, R. R. 2, note, p. 614.

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[1] Krahner may perhaps be right in ascribing to him also the following lines (ap. Serv. ad Aen. iv. 638), which illustrate the same position: 'Caelicolae, mea membra, dei, quos nostra potestas | Officiis divisa facit.' Marquardt, p. 70 n. 402.

(*e*) Lib. xiv. *de Deis Certis.* The last triad of books was on the gods, whom Varro divided into *certi*, *incerti*, and *selecti*. There seems to be considerable doubt as to the principles of division adopted by him; perhaps the terms simply mean those whose meaning and import he could certainly explain and those about which he was in doubt. (Preller adopts another explanation, which is not so probable, pp. 62, 63.) In the first class he seems to have gone through a large number of divinities presiding over particular actions, whose names he found in the indigitamenta or pontifical books of invocations, such as those referred to in the text (cp. esp. Serv. ad Aen. ii. 141, and Georg. i. 21). These thinly veiled abstractions were almost endless, and form perhaps the most characteristic feature of Roman religion. Preller has put together the facts about them in a very clear manner, pp. 572–595, 'die Götter der Indigitamenta.' Cp. a similar catalogue in Marquardt, iv. pp. 7–21. The gods invoked by the flamen in his sacrifice to Ceres are from one of the numerous categories belonging to this series. See Fabius Pictor, p. 345.

a conceptione homines . . . a Iano. Janus, the originator and beginner of everything, was invoked in this case, especially as *Consivius*, Macrob. i. 9, 16.

Naenia had a chapel outside the porta Viminalis, Fest. Ep. p. 163.

(*d*) This extract has been chosen as giving in a succinct form the chief heads of the categories of gods, the detailed lists of which would be tedious.

Opideae or *Opi Deae*, the earth, on which the new-born child was placed. Ov. Trist. iv. 3, 46, Suet. Octav. 5. It was apparently set upright, 'ut auspicaretur rectus esse,' Varro de Vita, P. R. iii, Ap. Non. p. 528, Preller, pp. 332, 578. *Vaticanus* seems to have been confounded by Varro with *Vagitanus*, which is the name elsewhere found in this connection. Cp. Gell. xvi. 17.

Aesculanus . . . Argentinus. Copper or bronze money was probably not used before the time of the decemvirs, and silver was not coined till five years before the First Punic War, v. c. 485 = 269.

(*e*) Lib. xvi. *de Deis Selectis.* This class is defined by Varro himself as those most worshipped in Rome, in fact, the most important in public estimation. The list contains the names of the twelve Consentes, viz. Iupiter, Iuno; Neptunus, Minerva; Mars, Venus; Apollo, Diana; Volcanus, Vesta; Mercurius, Ceres, and eight others, viz. Ianus, Saturnus, Genius, Sol, Orcus, Liber Pater, Tellus, Luna—the latter apparently belonging to no established system.

(*g*) Varro divided life into three grades, (1) Organised life, (2) Sensitive life, (3) Intelligence. In respect of this there exists a parallel between man, the microcosm, and the universe itself, that is, in the highest sense, between man and God. In the great being of the Universe the three divisions are, (1) the Earth and Stones, (2) the Sun and Moon and Stars, (3) Aether. The force of the latter, which is the divine anima penetrating in different directions, creates, first, the world of gods above, and, secondly, the goddess Terra, and the god Neptune.

§ 3. Ex Libris de Lingua Latina. Pp. 366–373.

The general contents of this work are summarised in the heading, and need not be repeated here. All the latter part of it, i. e. books v–xxv, was dedicated to

Cicero, whence we conclude that it was finished before his death, v. c. 711=43. Cicero, for some time previous, plumed himself on Varro's promise of a dedication, and complained he could not get it fulfilled (Ad Fam. xiii. 12). In order to stimulate him, he addressed his Academica to him, and touched on the subject in the Introduction, as well as in a letter which he sent at the same time (Ad Fam. ix. 8). As the Academica were not composed till B. C. 45, it would seem probable that Varro fulfilled his promise in the succeeding year, or early in the next, that is, in one of those eventful years which saw the death of Caesar, the struggle between Antony and Cicero, and the collapse of the senatorial party, just when it seemed on the eve of victory.

Müller observes that this leaves but a short time for the performance of so large a work, and that the book, as we have it, shows signs of incompleteness and great want of finish, repetitions, inconsistencies, and the like. He concludes, therefore, that it was published 'inscio et invito auctore,' p. xi. Everyone will allow a lack of revision, but it is obvious, firstly, that a man of Varro's immense fertility and copiousness, with voluminous note-books at command, might have finished his book under pressure, and, secondly, that the existence of an Epitome (attributed to himself) is against the theory of a stolen publication. It is possible either that he got tired of the subject, or that the loss of his library during the proscription prevented him from improving in a second edition what he had published to please Cicero before it was quite ready.

The following remarks on the syntax of the book are taken chiefly from Müller's Preface, pp. xxxiv, xxxv. He is very careless in his combination of moods, e.g. vi. 82, 'qui *habent* spectionem, qui non *habeant*;' id. 95, 'quom non *adesset* et nihil *intererat*;' viii. 1, 'quemadmodum . . . *essent*,' 'quo pacto . . . *ierunt*,' 'ut . . . *efferant*,' all relative clauses in the same sentence; ix. 10, 'quod nondum *est*, et perperam *dicatur*.' Similarly, he combines different persons of the verb, ix. 15, 'et hi qui pueros in ludum *mittunt*, iidem barbatos non *docebimus*;' and different voices, x. 16, '*conferri* non oportet ac dicere.' He does not shrink from such a harsh ellipse of pronouns as ix. 7, 'et ea quae possunt dici, atque (sc. *ea quae*) illic praeterii.' He passes, without warning, from oratio recta to obliqua, and from obliqua to recta, e.g. v. 16, 'ab eis *dictus* vicus Tuscus, et ideo ibi Vortumnum *stare*.'

In the same way, in sentences closely following, he sometimes gives the nominative, sometimes the accusative, supplying, in thought, now *dicitur* or *dicuntur*, and now *dicunt*, e.g. in v. 37, '*seges* a satu . . . *Semen* . . . hinc *seminaria, sementem*;' id. 88, '*cohors* quae in villa . . . *manipulos* exercitus minimas manus quae unum secuntur signum,' id. 142, '*pinnae* . . . *turres* . . . *portas*,' etc. Similarly, he inserts an accusative with infinitive without any proper verb before it, e.g. v. 23, 'terra ut putant eadem et humus: ideo (sc. *putant*) *Ennium* in terra cadentis *dicere*,' and confuses two constructions as, ix. 74, 'ad huiuscemodi vocabula *analogias esse, ut dixi*' for *analogiae sunt*, or *esse dixi*. Instances of construction *κατὰ τὸ σημαινόμενον*, of anacolutha, of harsh ellipse, of attraction in all its kinds, might be given in large numbers. The most noticeable and most offensive of all his constructions is that of the repeated relative, which appears

in almost every page, making his sentences inexpressibly tedious, and even unintelligible.

I have given specimens from the book of two kinds. The first contains ancient matter introduced in Varro's own peculiar abrupt way, what may be called his note style. The second (from book ix.) exhibits his more elaborate and quasi-rhetorical diction, which he uses generally in the prefaces to the different books. With touches of his own humour, and much facility of illustration, it is not a good style, not so good, for instance, as that of his book on husbandry. Müller supposes it was influenced by the rhetorician Hegesias (cp. Cic. ad Att. xii. 6).

Ex Lib. vi. In the earlier part of this book Varro has some interesting notes on the Calendar. In the part from which this extract is taken he seems to be considering actions done in time under three heads, viz. *agere*, including natural actions, *facere*, including those that belong to art, and *gerere*, under which is comprehended the official proceedings here described. The book, however, wants coherence, and seems to be defective in parts, but even where it does not, there is neither fulness nor method in the discussion. The particular point here is the phrase *vocare inlicium*.

86. The entrance of the censors into office took place directly after their election, and consisted in taking their seat upon their curule chairs, which were set up in the Campus Martius. Thence they betook themselves to the Capitol, and offered sacrifice. The next morning they made the proclamation given in the text. (Mommsen, Handbuch, i. p. 505). *Censurae auspicaverit*. The MSS. have *censura*. Müller conjectures *censurae*, comparing Plautus, Rudens, iii. 4, 12, 'non hodie *isti rei auspicavi*;' Mommsen reads *censor* (Handbuch, i. p. 6, n. 2). The latter passage should be consulted on the auspicia of the magistrates. The clause *de caelo nuntium erit* refers to the standing practice of reporting a good omen, *fulmen sinistrum*, on the entrance of an official into his duties. Cp. Dionys. ii. 6, Cic. de Div. ii. 35, 73.

Praeconi, the public crier who attended the magistrates, to convoke assemblies, call silence, read out a rogatio—or rather repeat it aloud from the reading of the scriba—and declare the result of a vote, and the dismissal of a meeting. (Mommsen, l. c. p. 287.) Varro remarks below that the office here performed by the *praeco* is done for the consul by an *accensus*. The reason probably was that the censor had no accensus, any more than he had lictors at his disposal (l. c. p. 282, n. 3, 4). The *accensus* was a half-private servant, and used to do part of the crier's work for the sake of convenience.

mihi collegaeque meo. Müller compares xl. 46, showing that this was the regular formula. *iuratores* = 'iurati pretiorum aestimatores,' Madv. Adv. 2. p. 171; cp. Liv. xxxix. 4, Plautus, Trin. 879.

voca inlicium, i. e. 'voca ad contionem;' cp. Fest. Ep. pp. 113, 114. The root is *lic-*, occurring probably also in *lictor*; cp. p. 535.

87. *lucet* seems a certain emendation for *licet*.

templum factum est. A *templum* is a place solemnly marked out for the performance of such actions as have to be done *auspicato*, or for the taking of the

auspices themselves. See Marquardt, Gottesdienst, iv. p. 352, and note on the extract from bk. vii.

conventionem, i. e. contionem, see p. 419.

88. *Iudices*, cp. the similar use of the term, Cic. de Legg. iii. 3, Liv. iii. 55.

89. *accensus acciebat.* On the *accensi* see Mommsen, Handbuch, i. p. 280 f. and cp. p. 546. They probably derived their name from their position as substitutes for the lictors, like the supernumerary soldiers in the army, *accensi velati.* Varro's derivation is, of course, worthless. On the Boeotia, see above, p. 594.

meridiem. Midday was proclaimed when the accensus, looking from the Senate House, was the sun between the Rostra and the Graecostasis. Plin. N. H. vii. 60, referred to by Müller.

Cosconius, probably Q. Cosconius, quoted by Suetonius, in his life of Terence, as the authority for the story of his death. Varro refers to him again, vi. 36.

91. *auspicio orando*, etc. At the time of printing the text I was not acquainted with Bergk's emendation, which is accepted by Mommsen, Handb. p. 19, q. v. Some of the MSS. have *orandesed*, and all have *auspicis :* hence he conjectures 'auspicio *operam des,* in templo *auspices.*' *aut ad Praetorem aut ad Consulem mittes auspicium petitum.* The auspicia maxima, necessary for such a summons, belonged to consuls, praetors, and censors, and therefore a quaestor had to request the intervention of one of the superior magistrates. Cp. Messalla in Gellius, xiii. 15. These *auspicia aliena* are not unlike the religious sanction conveyed to a lieutenant by his absent commander-in-chief.

Patres censeant, i. e. 'demand the *patrum auctoritas* of the senate.' This authorisation, necessary for all acts of the comitia (beyond mere formalities), was, by the Publilian Law of v. c. 415 = 339, required to be given beforehand, not afterwards : 'ut legum, quae comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent,' Liv. viii. 12. We have two instances of the prohibition of comitia in later times, in Liv. xxxix. 39, Cic. pro Murena, xxv. 51.

On the relation of the Senate to the Comitia see Mommsen, Forschungen, pp. 233–247. He also shows conclusively that the *patrum auctoritas* has been wrongly identified with the *lex curiata de imperio.* The statement at the bottom of p. 430, quoted from Lange, ought to be corrected. The *patrum auctoritas* was required for a *lex curiata,* as for any other lex, but was a resolution of the senate, not of the comitia curiata. Cp. Cic. pro Domo, 14, 38, Liv. vi. 41.

92. *classicum ad comitia centuriata,* etc., 'those who have contracted to sound the horn to summon the centuriate comita.' Cp. Liv. vii. 36, 9. 'consul *classico* ad contionem convocat.' Gellius tells us of the comitia '*curiata* per lictorem curiatum *calari,* id est convocari, *centuriata* per cornicinem :' Gell. xv. 27, quoting Laelius Felix. The 'cornicen' was naturally used to convoke the 'exercitus urbanus' when summoned by magistrates with imperium. The censor, it will be observed, only employs the praeco, although he summons the assembly to the Campus, inasmuch as he has not imperium in its proper sense. Cp. Mommsen, Handbuch, i. p. 147, n. 4.

ante privati huiusce . . . hostium, i. e. ostium. This is best illustrated by a passage from a speech of C. Gracchus, in which he excited the provincial towns to avenge his

brother's murder: καίτοι πάτριόν ἐστιν ἡμῖν εἴ τις ἔχων δίκην θανατικὴν μὴ ὑπακούει, τούτου πρὸς τὰς θύρας ἕωθεν ἐλθόντα σαλπιγκτὴν ἀνακαλεῖσθαι τῇ σάλπιγγι, καὶ μὴ πρότερον ἐπιφέρειν ψῆφον αὐτῷ τοὺς δικαστάς. Plut. C. Gracchus, c. 3, ad fin.

Cum primo luci, see Introd. x. § 10, p. 70. The form *luci* in this sense is generally masculine.

93. *Hic magistratus*, i.e. quaestor. Varro goes on to explain the phrases in the commentary of Manius about the comitia, having already touched on *circum moeros*.

94. *inlici et inlicis*. Inlex or illex is a decoy or allurement, Plaut. Asin. 221, Poen. iii. 4 ad fin. *Inlices* also means canals: Festus, Ep. p. 113. *Elicii Iovis*, Muller refers to Ovid, Fast. iii. 295 foll., Liv. i. 20, Plut. Numa, 15, Plin. N. H. ii. 53. The oldest account, however, is that of Valerius Antias, given on p. 350 f. *Dicis causa*, 'for form's sake,' originally = δίκης χάριν. Varro, vi. 61, calls the phrase an old one. *Inlegium inlexit*, apparently, is not found elsewhere.

Ex Lib. vii. In this book Varro treats of poetical words: (1) de locis, (2) quae in locis sunt, (3) de temporibus, (4) quae cum temporibus sunt coniuncta. He begins with the quotation about Romulus from Ennius, 'unus erit quem tu tolles in caerula caeli *templa*.' The term *templum* has three senses; first, there is the natural templum in the sky; then, that made by auspices on the earth; and thirdly, that so called, from its likeness to the others, under the earth, i.e. the *Acherusia templa* of Ennius' Andromacha.

7. *Sinistra ab oriente*. This shows that the augur's position in defining the limits of a templum for auspices was with his face southwards, along the line of the cardo. In measuring land he stood with his face either to the west or (in later times) to the east, looking along the decumanus. See above, p. 446.

8. *locus augurii aut auspicii causa*. The two words are found together, as in Ennius, 'regni dant operam simul auspicio augurioque,' as if contrasted, and the grammarians, Servius and Nonius, attempt to discriminate them, but without much success. *Auspicium* may perhaps properly mean the observation of the sign, *augurium* its interpretation. Both words seem derived from *avis*, the flight or sound of birds, being perhaps the oldest of the signs looked to for information. *Augur*, or *auger* (Prisc. i. 6, 36), may be derived from *gerere*, as it was by the ancients (Fest. Ep. p. 2, Serv. ad Aen. v. 523). 'The augur may be said to lead or direct the birds, inasmuch as he marks out the limits of their appearance in his fourfold division of the heavens,' Mommsen, Handbuch, i. p. 29, note 3. The duty of the augur is principally confined to this preliminary service; the taking of the auspices themselves is rather the prerogative of the magistrates. An augur might be present, but was not necessary.

conceptis verbis finitus. Such a spot was called *liberatus et effatus*, i.e. freed from all previous conditions attaching to it, and defined as destined for religious use, either, that is, for the observation of auspices, or for such actions as have to be performed *auspicato*, e.g. for the service of a god or the meetings of the senate. In a certain sense all public places, the city itself within the pomerium, fields, vineyards, camps, etc., were templa, and defined with similar ceremonies. The instrument used was the lituus, a short staff with a spiral head, something

like the top of a bishop's pastoral staff, but with a handle also curved, though in a less degree, in the other direction.

In arce sic. The Capitol was the chief seat of the augurs, who held their meetings and offered a very secret sacrifice there. See Fest. Ep. pp. 16, 18, s. vv. *arcani* and *auguraculum;* the latter was the name given to their place of observation. Cp. the account of the consecration of Numa, Liv. i. 18, and Cic. de Off. iii. 16, 66.

Templa tescaque. The latter word is of acknowledged difficulty. It is supposed to be Oscan or Sabine (Schol. on Hor. Sat. i. 153), but the derivation is by no means certain. Festus, p. 356, gives a number of citations, the most apposite being one from the Pontifical books, '[Templum] sedemque tescumque [sive deo sive deae] dedicaverit, ubi eos ac[cipiat volentes] propitiosque.' It appears, then, to be almost a synonyme for *templa:* the sense of *wild* or *deserted* may be connected with the custom of leaving consecrated places to nature. All work, for instance, done in pruning or thinning a consecrated grove had to be atoned for. Cp. note on p. 388 f.

me = mi or mihi. Festus, p. 161, quotes Ennius, bk. ii. 'Si quid *me* fuerit humanitus, ut teneatis,' and Lucilius, 'Nunc ad te redeo, ut quae res *me* impendet agatur.' L. Müller says, 'Neglegentiae reus Festus qui non indicarit illud *me* Ennii loco ablativum, posteriore accusativum.' This may be true of the latter verse, but surely Festus is right in taking Ennius' *me* to be the *dative.* *Si quid me fuerit* = 'if any mischance befall me,' just as Cicero says, perhaps with this verse in his mind, 'ut, *si quid mihi humanitus accidisset* . . . huius diei vocem testem reipublicae *relinquerem,*' Phil. i. 4, 10. This form should have been noticed in the Introduction, p. 88. It may be compared with Umbrian *mehe* = mihi, and other instances of final *e* for *ei* or *ī*.

quirquir = *quisquis,* feminine, Introd. xiii. § 26.

Inter ea, etc. I take this to mean, 'within these bounds (I enclose my templum) by drawing a line, by marking them with my eyes and with my mind, according to the best of my perceptions.' The gloss in Fest. Ep. p. 66, '*conregione* e regione,' is, as Müller says, quite unsatisfactory. It evidently refers to the lines drawn by the lituus, as *conspicione, cortumione* do to the limits marked out by the sight and will of the augur. *Utique ea rectissime sensi* seems to be a saving clause, like many others in Roman religious formulae, added in case any mistake had been made. *Utique* seems to be little more than *uti,* just as *ὥστε* sometimes is used for *ὡς.* Müller compares *quandoque* in Horace = *quandocunque,* and we might add *quisque* = *quicunque* in Plautus and elsewhere.

cortumio appears not to be found anywhere else.

Ex Lib. ix. This is chosen as a good specimen of Varro's prologues. It gives his general conclusion on the great grammatical controversy of ancient times, between the supporters of analogy and anomaly. Space forbids me to attempt a detailed account of it here, though it is worthy of more attention than is usually given to it. The best estimate of it with which I am acquainted is to be found in Prof. H. Steinthal's Gesch. der Sprachwissenschaft bei den Griechen und Römern, Berlin, 1863, especially pp. 347-361, which describe its origin, and

435–522, which treat of the Alexandrine grammarians and Varro. The controversy was important, as giving the necessary impulse to a complete analysis of the forms of language. Till the time of Aristotle, and to a great extent even later, grammar, as we understand it, did not exist among the Greeks, but language was, as regards any theory of its elements, a confused mass of sounds with sense attached to them. To Aristotle seems to be due the exact definitons and diffusion of such simple distinctions as those between letters, syllables, and words, between classes of letters, between nouns and verbs themselves, and between inflected and uninflected forms, and the like. Closer investigation proceeded from the Stoic philosophers and the Alexandrine grammarians, but in somewhat different directions. When once the categories of language had been started, it was natural to carry them forward, and to enquire into their relation to thought. The Stoics, headed by Chrysippus, decided that there was no necessary relation, or, in other words, they upheld anomaly in language. (Steinthal, p. 349 f.) The study of Homer by the great Alexandrine critics Zenodotus, Aristophanes, and Aristarchus, naturally led to a comparison of his diction with that of their own times, and to an attempt to specify what was right and what was wrong, and to give reasons for it. But their analysis was evidently very superficial and empirical, and the observation of likeness or analogy, which they used as a principle for deciding on what was right or wrong, had little reference to thought in its relation to language. The school of Aristarchus carried the principle of analogy much further, and constructed a number of *σχήματα*, exhibiting like words accented and declined alike, and forcing seeming exceptions into conformity to their crude observations. Crates, and his school, on the other hand, showed the folly of thus taking to task the language of the greatest writers, and criticised the construction of the schemata, thus performing a very useful function, and driving the Analogists to an ever closer study of the substantial likeness which prevails between words of the same class. Thus both were right and both were wrong, a fact which Varro seems on the point of discovering, though he never actually does so. His defence of Anomaly may be found in his eighth book, that of Analogy in the ninth, which contains his own position, and ought to be a refutation of the preceding book.

1. Steinthal discusses the greater part of this passage, pp. 408 foll. . . . *nesciunt docere quam discere quae ignorant.* Varro, I suppose, is speaking of the Anomalists, and asserting that their incompetence in teaching was no greater than in learning.

inaequabilitate, cp. Gell. ii. 25, '''Ανωμαλία est inaequalitas declinationum, consuetudinem sequens.'

dissimil[es] simili[bus]. Müller has *dissimilibus similes*, which is an evident blunder, probably a misprint. Steinthal and Madvig prefer *similibus dissimiles*. Steinthal quotes the next clause (p. 499) as follows, I do not know on what authority, '*Et quod Aristarchus, de aequabilitate cum scribit, verborum similitudinem quodammodo in declinatione sequi iubet, quoad patiatur consuetudo.*' There is, I think, no necessity for this somewhat bold alteration of the text.

Inclinare is to form one word from another, either in the more limited sphere of inflexion or by derivation from a common stem. Aristarchus (according to Varro)

said that we were to take the *inclinationes* of certain words as a pattern for those of others. *Inclinare* and its cognates are found in this sense in Gell. iii. 12, iv. 9, x. 13, xviii. 5, 9, in references to older grammarians, particularly Nigidius Figulus.

2. *Sed ii qui in loquendo*, etc. He here thinks of a third party, who proposed a compromise, evidently a harmless one so long as the amount of *partim* remained undetermined. He remarks that, as a matter of fact, custom and analogy are nearer than they suppose. 'Analogy has its origin from custom, and so likewise has anomaly. Therefore, inasmuch as custom consists of anomalous and analogous inflexions of words, neither is to be rejected; unless indeed a man ceases to consist of a soul, because he consists of both body and soul.' Steinthal remarks that this concedes all that the anomalist party require, and that the argument about man consisting of a soul, etc. is upset by the anomalist argument that a blackamoor does not cease to be black because he has white teeth. This is not quite fair, because Varro would say that the soul is the differentia by which man is logically defined, and answers very exactly to the rational part of language, which underlies the seeming confusion, though it does not always appear. White teeth, on the contrary, are little more than an inseparable accident of man. His object is to overthrow the proposition of the school of Crates, 'analogia quod non sit ubique esse nusquam.' From his want of etymological skill, he could only do this by indirect methods of proof, by exhibiting the method observable in nature and by showing that the analysis begun by the analogists had advanced a certain way, and could be still further perfected. In this, as in all other controversies as to the existence of anything of an ideal nature, a sturdy sceptic can shut his eyes to a truth that leaves any part of the subject in discussion unexplained. He can say, 'analogy is not everywhere, therefore it is nowhere;' and by so doing he often performs a useful function in preventing the acceptance of crude hypotheses. Even now, when the comparative method of study has demonstrated the existence of analogy in language far beyond what was dreamed of in the last century, such scepticism has still a part to play. Varro's fault, or rather failing, was, I think, in not recognising this.

4. *de trinis copulis*, 'copulae sunt quas nos diceremus rationes rerum inter se coniunctarum,' M. We may perhaps translate 'correlative categories.' The first is 'nature and use,' or, as we say, 'theory and practice;' the second, 'universality and limitation;' the third, that of persons or 'some men and others.' Each of these is a head or *summa* requiring a separate argument; but Varro, in his extant books, does not seem to make much use of the division.

7. *cur non modo videatur esse reprehendenda*, 'why it seems right (not to speak of finding fault with it) that it should be followed, etc.;' so § 14, *non modo patiemur, sed etiam poena afficimus;* and in Cicero. *Non modo* seems to be equivalent to *nedum* rather than to be put for *non modo non*.

10. *dant*, i. e. the anomalist party. *vatias*, 'bow-legged.' In R. R. ii. 9, 4, p. 378, it is opposed to *varus*, 'bandy-legged,' with legs bent inwards. *Compernis* is quoted by Nonius, p. 26, 3, from Lucilius, and explained as = 'longis pedibus.' Fest. p. 41, has 'genibus plus iusto coniunctis,' which seems more likely, i. e. with the hams too close.

12. *Miconos Dioris Arminu* †. Micon was an Athenian painter, contemporary of Polygnotus. 'A sententia Varronis non aliena sunt nomina *Cimonos*, *Eumari*, sed etiam haec non satis conveniunt cum literis scriptis,' M.

14. *non modo petiemur*, see on § 7.

16. *pueros a lacte*, i.e. 'pueros nuper a lacte depulsos,' M. *maioris*, 'older people,' acc. pl. The form in *-es* is regular in the consonantal declension (Introd. x. 12), but that in *-is* is found, though more rarely, e.g. L. L. viii. 24, *prioris* and *posterioris*, and ix. 46, *uxoris*, quoted by Muller, who also refers to *facilioreis*, and *sanctioreis*, quoted by Charisius, i. p. 104, P. from Caecilius. All these, it will be noticed, are from stems in *-or*. *corrigere nequeas, quin ita dicas* is to be taken together, says Müller. 'You cannot *alter* them as forms of language, but you ought if possible to *drop* them.'

19. Varro complains that persons who are honest enough in common life and ready to restore to the owner anything that they find, are opposed to restoration in language. In *quod indicium dent*, *quod* is redundant, as often in Varro.

21. *capulae* are mentioned, L. L. v. 121, and De Vit. P. R. Non. p. 547, s. v. armillum. *sinum* is perhaps the Greek δῖνος. See Rich's Antiquities under both words. *ut contaminatis* is Müller's conjecture for *incontaminati*. The latter might mean 'our purists in language.' *praeter consuetudinem*, Victorius and Vertranius, for *propter* of the MSS.

24. *ab aequinoctiali circulo*, etc., i. e. the sky is divided on the north of the equator by the tropic of Cancer and the Arctic circle (*septentrionalem divisum*), and in a corresponding manner in the other direction by the tropic of Capricorn (*a bruma versum*) and the Antarctic circle. *Bruma* is here put for the tropic of Capricorn, in which constellation the sun is at midwinter; so we have *brumalis circulus* in the next sentence. *Bruma* may perhaps = superlative of *brevis*, contracted from *brevima* (not *brevissima*). Cp. Introd. xi. 11, and the gloss in Fest. Ep. p. 252, '*purime tetinero* purissime tenuero.'

25. is printed by mistake 23. 26. *rursus idem ; itemque ab his*, 'again do the same, and so on again after this.' I prefer to put a stop before *rursus idem*. Varro seems first to describe the motions of the tide in the course of twenty-four hours, and to go on to say that the same thing takes place the next day. *Ab his* sc. XXIV *horis*, not as Müller says, '*post has* XII *horas*.'

26. *de aestuariis*, on estuaries or arms of the sea. See Ritschl, Rh. Mus. vi. p. 555, n. 12.

28. *hinnulei*, more often *hinni*, Varro, R. R. ii. 8, or *hinnuli*, Plin. viii. 44.

30. *octonas parteis*, a Stoic doctrine. See Diog. Laert. vii. 63, 110, referred to by Müller.

§ 4. Ex Epistulicis Quaestionibus.

This *Commentarius isagogicus* belonged to the department of Antiquitates Humanae. The *Epistulicae Quaestiones* were at least in eight books, and were on antiquarian subjects, particularly on constitutional antiquities. They seem to have been different from the *Epistulae* and the *Epistulae Latinae*, of which Riese has collected the scanty fragments, Sat. Menipp. p. 259 f. and p. 43, note.

This is a very important passage for the history of the senate. See p. 416, *Form of making a Senatus Consultum*. To the references there given add especially

Mommsen, Handbuch, i. pp. 153–157, on the *Ius referendi*, etc., and p. 227 on the *Ius intercedendi*, and on the senate in general, his Forschungen, pp. 218–268.

Perisse Varro ait. This probably refers to the loss of his library at the time of the proscription. See p. 638. The mention of the *triumviri reipublicae reconstituendae* and of the *curia Iulia* also helps us to fix the date of the book.

tribunos plebi. The *Ius referendi* was a necessary corollary to the *Ius cum populo agendi;* but when it was first obtained by the tribunes is a difficult question. Dionysius, x. 31, refers it to the consulship of Valerius and Verginius, v. c. 300 = 454.

The *praefectus urbi* is omitted by Cicero in his enumeration, De Leg. iii. 3, 6, but is represented as convoking the senate in Liv. iii. 9, 6; 29, 4. See Mommsen, p. 155, note. Cicero adds the *magister equitum*, and this is supported both by analogy and by passages in the historians, Liv. viii. 33, 4, xxiii. 24; 5, 25, 2, Dio. xlii. 27. How Varro or Gellius came to omit him is uncertain. See Mommsen, p. 154, note 3.

quibus imperium consulare tum esset. Mommsen suggests *datum esset*, p. 154, note 2.

triumviros, i. e. Octavian, Antony, and Lepidus, appointed B. C. 43, Liv. Epit. cxx. etc. The so-called first *triumvirate* never had the official title.

eadem potestate. The *Ius intercedendi* was restricted by a general rule to *par maiorve potestas.* So Cic. de Leg. iii. 4, 10, 'eius (senatus) decreta rata sunto; ast si par maiorve potestas prohibessit, perscripta servanto,' i. e. take the form of a *senatus auctoritas*, with the hope that the veto might be removed and the vote become a *senatus consultum.* See more in Mommsen, p. 228. In the later period of the republic consular intercession seems to have gone out of usage.

templum appellaretur, see above, p. 651. The number of meeting places of the senate seems at one time to have been much smaller. See Nicostratus in Fest. p. 347, s. v. senacula.

et post in Iulia. This was built by Augustus in place of the *curia Hostilia.* It was not dedicated till after the battle of Actium, so that this passage must have been written in the last years of Varro's life.

aedem Vestae. Cp. Serv. ad Aen. vii. 170, 'Templum Vestae non fuit augurio consecratum, ne illuc conveniret senatus ubi erant virgines.'

ante exortum aut post occasum solem. Cp. XII Tab. i. 9, p. 515. This rule might of course be suspended in case of dangerous emergency; see for an instance Dion. Hal. ix. 63, v. c. 290, during a war with the Aequi, after the senate was collected in great haste during the night, *γίνεται δόγμα βουλῆς πρὶν ἡμέραν λαμπρὰν γενέσθαι.*

opus censorium, i. e. censoria animadversione dignum. This is apparently an isolated usage of the word.

quibus diebus habere senatum ius non sit. These would generally be days on which the comitia was held, as the two assemblies could not meet at once. It was, however, competent for either body to prohibit the meeting of the other. See above, note on *patres censeant*, p. 650.

immolare hostiam. So, for instance, on the day of Caesar's murder bad omens were observed in the entrails of the victim. Appian, B. C. ii. 116.

qui princeps in senatum lectus esset. He was at first usually the eldest of the *censorii*, but the censor was afterwards allowed greater freedom. See the case recorded in Liv. xxvii. 11, and the note on p. 417.

de pignore capiendo. See note on the fragment of L. Crassus, p. 637. On the *multa*, see note, p. 423. The formula used is given by Gellius, xi. 1, 4, from Varro, 'M. Terentio, quando citatus neque respondit neque excusatus est, ego ei unum ovem multam dico' (probably from Varro, Rer. Human. xxiii, see Non. p. 216). Cicero complains that Antony threatened to pull his house down because he had not attended: 'Quis unquam tanto damno senatorem coegit? aut quid est ultra *pignus* aut *multam*?' Phil. i. 5, 12.

§ 5. Ex Libris de Re Rustica.

This treatise, as Varro tells us, was composed in his eightieth year, i.e. B.C. 37. Each of the three books is devoted to a particular branch of the subject, the first to agriculture, including of course culture of the vine and olive, the second to the breeding of cattle of all kinds, the third to that of birds and fishes (villaticae pastiones). The form is that of a dialogue, and is perhaps the best specimen of Varro's style we have, being fairly agreeable reading, with a good deal of humour and vivacity, and more attention to scenery and circumstance than is to be found in Cicero's dialogues. The purely didactic parts are, however, marked by the conciseness and affectation of method that is characteristic of Varro.

I have used Schneider's notes pretty freely. For some remarks on the text see note on Cato, p. 610 f.

Lib. I. c. i. 1. *Fundania*, his wife, daughter probably of C. Fundanius, the friend of Cicero. Cp. ad Q. Fratrem, i. 2, 3.

2. *cum facere.* *Cum* here seems to be pleonastic, as *quod* often is in Varro, e.g. L. L. ix. 19, see p. 655.

habeam curare, a harsh use of the infinitive, not altogether unlike Cato's *est praestare*, R. R. ad init. Schneider prefers *habeam curae*.

4. *Scribam tibi tres libros indices*, 'three books of reference.' The second, however, had a special dedication to Turanius Niger, and the third to Q. Pinnius.

XII *deos consentis*, contained in the distich of Ennius:—

> 'Iuno, Vesta, Ceres, Diana, Minerva, Venus, Mars,
> Mercurius, Iovis, Neptunus, Volcanus, Apollo.'

See above, note on *dei selecti*, p. 647.

The first appearance of this enumeration is at the beginning of the Second Punic War, when a lectisternium was made for them on the recommendation of the decemviri of the Sybilline books, Liv. xxii. 10. This and Varro's account of their statues indicate a Greek origin for the conception. They were represented as *consentes* or sitting in council in the Forum. See Preller, R. M. p. 60.

6. *Robigalia.* April 25, see p. 544.

rustica vinalia. Aug. 19, see p. 545. Cp. Varro, L. L. vi. 20.

Bonum Eventum, represented with a patera in the right hand, and an ear of corn and a poppy in the left.

8. *Attalus Philometor.* Columella, in a parallel passage, i. 1, has 'Philometor

et Attalus,' which is probably a blunder. Hiero and Attalus are the two kings who have written on the subject, and are opposed to the philosophers that follow. The most important of the other writers, whose names I have omitted, was the Carthaginian Mago, whose treatise was translated into Greek by Cassius Dionysius of Utica.

C. xvii. 1. *De fundi* IIII *partibus quae cum solo haerent.* These are defined in chap. vi. as 'quae sit forma, quo in genere terrae, quantus, quam per se tutus.' By the first he means whether it is campestre, collinum, or montanum, or a mixture of several kinds, and how it is planted; by the second, the kind of soil; by the third, the size; and by the fourth, what fences and boundaries it has. The *alterae* IIII *quae extra fundum sunt* are—1. whether the neighbourhood is peaceful or the reverse; 2. whether it produces things requisite, and is likely to consume the produce of our farm; 3. whether there is a good land or water carriage; 4. whether there is anything in the neighbouring estates to profit or injure ours. It is obvious that all these divisions, which are merely a sample of Varro's constant habit of mind, tend rather to confuse than to assist the memory.

2. *obaerarios.* Cp. L. L. vii. 105, 'Liber qui suas operas in servitutem pro pecunia quadam debebat, dum solveret, *nexus* vocatur, ut ab aere *obaeratus*.'

3. *mancipia esse oportere,* e. q. s. Schneider has shown that the following recommendations are taken almost verbally from Aristotle. This and that about not having many of the same nation = Oecon. i. 5; for the latter cp. Polit. vii. 11. Of slaves in general he says, δεῖ δὲ καὶ ἐξομηρεύειν ταῖς τεκνοποιΐαις, Polit. l. c., where see more on the subject.

6. *ad incitandum voluntatem praefectorum.* I have adopted Keil's emendation here. Schneider reads, *ad iniiciendum voluptatem his praefecturae.* Other conjectures may be seen in his note.

Lib. II. ix. 1. *maxime ad nos*, sc. *pertinens.*

ita custos pecoris ut eius is hard, but seems to mean 'is guardian of cattle in general, but especially of that kind which requires its company for defence.' Cp. the use of *ut* followed by *sic.*

sues, verres, maiales, scrofae. The distinction between *scrofae* and *sues* seems to be one between sows that have litters and those that have not. On *maiales* see R. R. ii. 4, 21. The derivation is doubtful.

3. *ravis.* Fest. Ep. 272, 'ravi coloris appellantur qui sunt inter flavos et caesios.' *congruentibus,* sc. colore. *resimis* seems simply to mean 'curved upwards.' *mento suppresso,* 'with a retiring chin.' *eminulis;* so used by Lucilius, iii. 7, xvii. 4, L. M. *brocchis,* 'id est tortis,' Crescentius ap. Schneider. The word occurs in the first passage of Lucilius in a slightly different form (ap. Non. p. 25, 27)—

'*Broncus* Bovillanus dente adverso eminulo hic est
Rhinoceros velut Aethiopus.'

4. *potius varis quam vatiis,* 'rather bandy-legged than bow-legged.' The parallel passage in the Geoponica has σκαμβότερα μᾶλλον ἢ βλαῖσα. *varus* is, I suppose, Shakespeare's 'crook-kneed' in the famous description of Theseus' hounds, Mid-

summer Night's Dream, iv. 1. The badger dog is an instance of one with *pedes vatii* or *valgi*. See on L. L. ix. 10, p. 654.

displodantur = 'late pandantur.' So of oxen he says, 'pedibus non latis neque ingredientibus qui *displodantur*.'

a feminibus summis corpore suppresso, 'the body should be drawn in from the top of the thighs.' He means, I suppose, simply that they are to have a narrow waist. The oblique cases of *femen* are used as synonymous with those of *femur*.

5. The *Spartan*, and *Molossian* or *Epirote* hounds are the best known. *Sallentini*, in Calabria.

6. *Metapontinos*, on the Gulf of Tarentum.

Saserna, the name of two writers on agriculture, a father and son belonging to the Hostilia gens, who lived between the time of Cato and Varro, R. R. i. 2, 22, etc., Teuffel, § 147, 1. The reference is, I have no doubt, intended to be humorous.

10. *ut non potius*. The *non* here appears redundant.

§ 6. Fragmenta Librorum Incertorum.

I thought it worth while just to draw attention to this class of fragments, which seem deserving of further examination. The part in them which is really Varro's is very doubtful.

cucullus is of course for *cuculus*, but it does not seem to be a misprint. See Plin. x. 9, xviii. 26, for other accounts of the cuckoo.

bruchus = βροῦχος or βροῦκος. The word is quoted from Prudent. Hamartig. 229, and explained as a sort of wingless locust: *eruca* is some kind of caterpillar, and is found in this sense in Columella and Pliny.

§ 7. Liber de Praenominibus.

This Epitome cannot be called, in any sense, a work of Varro, but from the way in which his name is mentioned, we may conclude that it was founded, to a very great extent, on his materials. The title given above is the only one suiting its present form, but the original work seems to have had a wider scope.

On Roman proper names the reader may consult the essay in Mommsen's Forschungen die Römischen Eigennamen, the section in Marquardt's Privat Alterthümer, and the collections in the books of inscriptions, e. g. in Orelli-Henzen and Wilmanns. Prof. Hübner has lately given us an important and exhaustive collection of names in *-anus* and *-anius*, which is particularly useful as a specimen of the way in which the subject should be treated, Eph. Epigr. vol. ii.

1. *Varro simplicia ait;* a theory which seems to be rightly criticised here, as it seems to be founded only on the insecure basis of the legend of Romulus. Cp. Mommsen, l. c. p. 5.

Fertorem Resium, see note on *formulae rerum repet.* p. 553.

2. *per proprietatem*, i. e. that which is peculiarly called *nomen*.

agnomen is generally explained as an individual name, used to distinguish a particular member of a family on account of some striking circumstance of his

life, and so distinguished from the cognomen, which belongs to all his family. Such *agnomina* are *Messalla*, *Africanus*, *Asiaticus*, *Macedonicus*, *Creticus*, etc., and to these, Dio Cassius, fr. 44, Bekker, seems to refer when he speaks of the *ἐπωνυμία* as restricted to the eldest son. See Mommsen, l. c. p. 53, note. The term *agnomen* is found in the grammarians Diomedes and Priscian, but very rarely elsewhere, and not at all, probably, in prae-Augustan or Augustan literature, *cognomen* being used to denote all these appellatives.

perplexum usum praenominum et cognominum. 'In origin and conception' (says Mommsen) 'the cognomen is very nearly akin to the praenomen, nay, in a certain degree, identical with it. For just as in the case of women the praenomen, without material alteration, and only through the absence of official recognition, has fallen into the position of a cognomen, as has been the case with a number of old (male) praenomina, e. g. Agrippa, Numa, Postumus, Proculus, so Volusus and Fusus, after dropping their praenominal quality, have continued in use as cognomina' (l. c. p. 42).

cognomina in nomen versa, see Mommsen, l. c. p. 51. The case of M. Brutus is meant, who was son of M. Iunius Brutus, and adopted by his maternal uncle, Q. Servilius Caepio. It is noticeable that Cicero, in his tenth Philippic, after frequently mentioning him (as usual) as *M. Brutus*, designates him in the decree with which he ends as *Q. Caepio*. Another instance of a name in which the nomen is dropped, or rather unknown, is that of *Verres*. The custom is not known to have existed before the last age of the republic, and its origin has not been explained.

3. *Gentilicia nomina Varro putat fuisse numero mille.* Mommsen, p. 62, note, thinks that little reliance can be placed on this number. He suggests that it was a round number accommodated to some theory of the constitution, or perhaps borrowed, like that of the 527 Sabine women, from Valerius Antias.

praenomina circa XXX. This refers to patrician names. The following fifteen *praenomina* are the commonest, and have, therefore, regular abbreviations: Aulus (A.), Decimus (D.), Gaius (C.), Gnaeus (Cn.), Kaeso (K.), Lucius (L.), Manius (M.), Marcus (M.), Publius (P.), Quintus (Q.), Servius (Ser.), Sextus (Sx., later Sex.), Spurius (S., later Sp.), Tiberius (Ti.), Titus (T.). Of these Kaeso is restricted, amongst patricians, to the Fabii and Quinctilii, but is found in the noble plebeian houses of the Acilii and Duilii. Decimus, again, is only found amongst patricians in the Claudian gens, and that rarely, but was used by the plebeian Iunii and Laelii. *Three* other praenomina are peculiar to single patrician houses, Mamercus (Mam.) to the Aemilii, Appius (Ap.) to the Claudii, and Numerius (N.) to the Fabii. These *eighteen* seem to have been the whole stock in use amongst the old nobility, from about the time of the decemvirs to that of Sulla. They are discussed in section 5, which begins at *Lucii coeperunt adpellari*: the only one omitted being Mamercus. Besides these eighteen there are fourteen enumerated here which had gone out of use as praenomina, making in all thirty-two. These are Agrippa, Ancus, *Caesar*, *Faustus*, Hostus, Lar, Opiter, Postumus, Proculus, *Sertor*, *Statius*, Tullus, Volero, Vopiscus. All, except the four printed in Italics, are found in the oldest lists of Roman magistrates, and can be identified as patrician; the other are

uncertain, *Sertor* and *Statius* being Italian praenomina, *Caesar* and *Faustus* patrician cognomina. The only other patrician praenomen that we can add to the list with certainty is that of Numa, and perhaps Denter and Aruns. Vibius is uncertain as a Roman praenomen, and Volusus, or Volesus, is probably Sabine. Whatever, then, may be said as to the number *mille* for gentile names, *circa triginta* is very near the truth for praenomina — understanding by that term personal names of patrician houses at Rome. See Mommsen, l.c. pp. 17–22.

pueris non prius quam togam virilem sumerent. This is difficult to believe as a fact, and is against the general assertion that the name was given on the *dies lustricus*, the eighth day for girls and the ninth for boys, see e.g. Festus, p. 120, and an inscription, Orell. 2710, of a mother, *puero nato et nomine imposito est mortua*. On the other hand, we find in imperial times some epitaphs of children up to thirteen years of age with *Pupus* in the place of a praenomen. See Wilmanns, 508, 1935, 2696, 2697, 2698; Orelli, 2718, 2719; Henzen, 6222 *a*. The explanation, too, of the name *Publius*, given below, seems to rest on the same theory. The truth seems to be that the recognition of the name by the state did not take place till the assumption of the toga virilis, and that its imposition sometimes was delayed till that time, though generally given on the *dies lustricus*. It was, of course, also possible for the name hitherto used inside the family circle to be changed at the time of taking the toga. See Mommsen, pp. 31, 32.

quae olim praenomina fuerunt. It would have been better to make section 4 begin here, where we have the enumeration of the fourteen obsolete patrician praenomina.

4. *Tullus* and *Tullius* I am inclined to connect rather with Festus' *Tullii*, 'springs or spouts of water or blood' (p. 352), cognate, of course, with Gk. τέλλω, and *tollo* in its intransitive sense. Cp. our word *offspring*.

5. *Lucii coeperunt.* Here begins the list of the praenomina which remained in general use.

initio lucis. So Varro, L. L. vi. 5, ix. 60, and in the last passage he says of *Manius*, 'forsitan ab eo qui mane natus esset.' I am inclined to think that *Lucius* is rather from complexion, like the female praenomina of section 7; see note on El. Scip. p. 398.

Gnaeus, or *Gnaivos*, as we find it in the Epitaph of Scipio Barbatus, is, no doubt, rightly connected with *naevus* or *gnaevus;* but is not this because they are both from a common root *gen-*, rather than from any physical peculiarity in the child called *Gnaeus*? See note, p. 398. *Naevus*, 'a wart,' is something that grows up on the skin, an *excrescence*, or, as this author says, 'qui in corporibus *gigni* solet.' Cp. note on *Tullius*, above.

Gaius, or *Gavius* (for the words are the same), may also be referred to the root *ga-*, 'to beget,' rather than to the *gaudium* of the parents.

Marcus and *Marius* are evidently formed from Mars, as *Mamercus* and *Mamurius* from Mamers; see note, p. 392. *Tiberius* is apparently the only other Roman praenomen from the name of a god.

Publius, like *Pupus*, was probably, at first, only a name of endearment, like our *baby*. So *Paullus*, *Paulla*.

6. *Appius* is, no doubt, the same as the Sabine *Atta*, and was brought by the Claudii to Rome.

Servius I take to be probably a slave-child, but, like *Spurius*, it ceased early to have a contumelious sense. Cp. the use of *bastard* in the Middle Ages. *Servius* is only another form of *Sergius*, the full form being * *Sergvius*, cp. the relation of *vivo, vixi, vigil, vegetus* to * *vigvo*.

For *Numerius* cp. Fest. p. 170. The Fabius *qui unus ex ea stirpe extiterat* is the decemvir.

7. On female praenomina see note on C. 177, p. 409. Cp. on C. 54, p. 405, and those at Praeneste and Pisaurum, p. 408.

Burra, so *Burrus* = Πύρρος, Enn. Ann. 184, *Bruges* = Φρύγες, Quintil. i. 4, 15.

Gaia, cp. Introd. p. 6, note. For *Gaia Caecilia* cp. Fest. Ep. p. 95, Fest. pp. 238, 241, s. v. Praebia. Mommsen, p. 11, supposes that *Gaius* and *Gaia* are here properly gentile names = *Gavius* and *Gavia*, and remarks that the woman never took her husband's *praenomen*, but his *nomen*. He also translates Plutarch's formula, Quaest. Rom. 30, *ὅπου σὺ Γάϊος ἐγὼ Γαΐα*, '*quando* tu Gaius ego Gaia,' 'if thou art Gaius I am Gaia.' He thinks that the anecdote about Gaia Caecilia, and Scaevola's doctrine, that women did not take praenomina till they married, both rest on a misconception of the formula. I cannot, however, believe that *Gaius* and *Gaia* are here anything but praenomina. The gentile name *Gavius* is Italian, but not, I believe, Roman, certainly not, as far as we know, patrician. Again, where Ↄ is used before L(ibertus), it takes the place of the male praenomen. Lastly, it is unlikely that the nomen should be used in such an ancient formula, when, as we know, the praenomen was the ordinary appellative in the intimacy of domestic life. It continued to be so for men, even when spoken of by their slaves, and doubtless was so for women, till the praenomen came to be dropped. This formula seems to belong to the marriage by *coemptio* (Cic. pro Murena, 12, 27), as well as *confarreatio*, but not to marriage without *manus*. See Mommsen, p. 12, note 10.

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INDEX OF SOME OF THE MORE IMPORTANT QUOTATIONS.

INDEX NOTARUM.

A. Aulus.
A. Annum, annos, annis, e.g. C. 1202, 1434.
A.D. Ante diem.
A.D.A. Agris dandis adsignandis, C. 198, 200 passim.
A.I.A. Agris iudicandis adsignandis, C. 554.
A.F. Auli filius.
AED. Aedilis.
AGON. Agonalia, Ian. 9, Mai. 21, Dec. 11.
AID. CVR. Aidilis curulis.
AN. Annum, annos.
ARB. Arbitratu, C. 200, 74.
AVGVST. Augustalia, Oct. 12.
C. Comitialis, p. 541.
C. Gaius.
C.F. Gai filius.
Ɔ.L. Mulieris libertus.
Ɔ.L. Mulieris liberta.
C.L. Gai libertus.
C.M.F. Gai (et) Marci filies, C. 42.
C.R. Civis Romanus, Romana, etc.
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CAM. Camilia, sc. tribu, C. 1119.
CAR. Carmentalia, Ian. 11, 15.
CN. Gnaeus.
CN. F. Gnaei filius.
CN. N. Gnaei nepos.
CENS. Censor.
CER. Cerialia, Apr. 19.
COM. Commoda, Pomp. 807.
CONS. Consualia, Aug. 21.
COS. Consul.
COSS. Consules, consulibus.
COS.A.A.S.E.V. Consul alter ambove si eis videretur, C. 203, 23.
COSE. Co(n)sensu, C. 532.
CVR. Curavit, curaverunt, curante, curantibus.
D, Đ, Ɖ. Quingenti.
IƆƆ. Quinque milia.
IƆƆƆ. Quinquaginta milia.
D.C. Decurionum consulto *vel* decreto conscriptorum, C. 620.
D.C.S. De conlegii sententia.
D.D. Donum dat, donum dant.
D.D.L.M. Donum dant libentes merito.
D.E.R. De ea re, C. 205.
D.I.DIC. Duovirum iuri dicando, P. 768.
D.M. Dolus malus.
D.T. Dum taxat, C. 1418, 17.
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F. Fastus, P. 540.
F.D.S.S.C. Faciundam de senatus sententia curaverunt.
F.P. Incertum, p. 540.
F.P.VET. Fundus possessoris veteris, C. 556.
FACIAT. Faciatis, Pomp. 768.
FAL. Falerna, sc. tribu, C. 1197.
FERAL. Feralia, Feb. 21.
FONT. Fontinalia, Oct. 13.
FORD. Fordicidia, Apr. 15.
FVRR. Furrinalia, Iul. 25.
G.F. Garum factum, Pomp. 2576.
GAR. CAST. Garum castimoniarum, P. 2569.
H.L. Hac lege, hanc legem.
H.S. Sestertii, sestertios.
HER. Herius.
I.D. Iure dicundo.
I.D.P. Iure dicundo praerit, C. 205.

I.V.E.E.R.P.F.S.V.E. Ita uti eis e re publica fideve sua videbitur esse, C. 200; 35, cf. 78; C. 203, 31.
IM. Imperator, C. 689.
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IVL. Iulianus, Pomp. 1182.
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K.C. Kalumniae caussa.
L. Legio, Glandes passim, C. 642–701.
L., LEG. Legatus, C. 198.
L. Libertus, liberta.
L. Lucerinorum, C. 5.
L.C. Lucio (et) Gaio, C. 1313.
L.F. Lucii filius.
L.M. Libens merito.
L.L. Lucii libertus *vel* liberta.
LAR. Larentalia, Dec. 23.
LEM. Lemuria, Mai. 9, etc.
LIB. Liberalia, Mar. 17.
LOMEN. Lomentum, Pomp. 2597.
LVCAR. Lucaria, Iul. 19, etc.
LVN. VET. Lunense (vinum) vetus, Pomp. 2599.
LVPER. Lupercalia, Feb. 15.
M. Marcus.
M, cIↃ. Mille, vide ad finem.
M. Missus, Pomp. 1182.
ꟿ. Manius, Mania, C. 177, (correct the misprint).
M.P. Marcus, Publius.
MAG. Magistratus.
MAM. Mamercus.
MAT. Matre, matri.
MATR. Matralia, Iun. 11.
MEDITR. Meditrinalia, Oct. 11.
MVR. CAST. Muria castimoniarum, P. 2609.
N. Nefastus (tristis).
NP. Nefastus (hilaris), p. 541.
NF = NP, p. 541.
N. Numerius.
NEPT. Neptunalia, Iul. 23.
○, Θ, ⊕. Obiit, mortuus = theta nigrum, P. 1182, cf. P. 1891, et adnotata, pp. 496, 497.
OF. Oro vos faciatis, P. 222, etc.
O.M.C.P.F.V.C.C.TVE. Oppidum municipium colonia praefectura forum vicum conciliabulum castellum territoriumve, C. 205.
O.V.F. Oro vos faciatis.
OPAL. Opalia, Oct. 19.
OPIC. Opiconsiva, Aug. 25.
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P. Pes, pedis, pedem.
P. Periit, Pomp. 2387.
P. Publius.
P.D.D.E. Populo dare damnas esto, C. 206, 95.
P.N. Publii nepos.
PA. Pacuius, praenomen, C. 183.
PAR. Parilia, i. e. Palilia, Apr. 21.
PESV., PES., P. Pesum (pensum), pesa (pensa), Pomp. 1507.
PL.SC. Plebi scitum.
POPLIF. Poplifugium, Iul. 5.
PORT. Portunalia, Aug. 17.
POST H.L.R. Post hanc legem rogatam.
PR. Praetor.
PR. Primipilus, C. 701.
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